

Extra Ordinary Part - IV / 2013

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TUESDAY, MARCH 19, 2013/PHALGUNA 28, 1934

Separate paging is given to this Part in order that it may be filed as a Separate
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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to
by the Governor on the 18th March, 2013, is hereby published for general
information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department

GUJARAT ACT NO. 2 OF 2013.

(First published, after having received the assent of the Governor, in
the "*Gujarat Government Gazette*", on the 19th March, 2013).

AN ACT

further to amend the Gujarat Regularisation of Unauthorised
Development Act, 2011.

It is hereby enacted in the Sixty-fourth Year of the Republic
of India as follows:-

1. (1) This Act may be called the Gujarat Regularisation of Unauthorised
Development (Amendment) Act, 2013.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 20th February,
2012.

Amendment
of section 6 of
Guj. 26 of
2011.

2. In the Gujarat Regularisation of Unauthorised Development Act, 2011 (hereinafter referred to as "the principal Act"), in section 6, in sub-section (1), the words "if any, payable under relevant laws and the fees" shall be deleted. **Guj. 26 of 2011.**

Amendment
of section 8 of
Guj. 26 of
2011.

3. In the principal Act, in section 8, in sub-section (1), after clause (b), the following proviso shall be added, namely: — **Guj. 26 of 2011.**

"Provided that notwithstanding anything contained in clauses (a) and (b), in case where land acquired by Government or belonging to Government, local authority or statutory body is allotted to any person at the rate as decided by the Government or is given on lease for a period of thirty years or more, the designated authority may regularise the unauthorised development on such land subject to the other provisions of the Act;"

Amendment of
section 10 of Guj.
26 of 2011.

4. In the principal Act, in section 10, in sub-section (1), to clause (vi), the following proviso shall be inserted, namely: — **Guj. 26 of 2011.**

"Provided that the designated authority may not refer to the Committee the following matters, namely:-

- (a) buildings used for residential purpose,
- (b) non-residential buildings where the deficit parking does not exceed 200 sq. mtrs;"



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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 18th March, 2013, is hereby published for general information.

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2013.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 19th March, 2013).

AN ACT

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2013.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2013.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum five thousand seven hundred twenty-seven crores, sixty-six lakhs rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2013, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
₹ 57,27,66,00,000
from and out of the
Consolidated Fund
of the State of
Gujarat for the
financial year
2012-2013.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(See sections 2 and 3)

Demand No. of Vote/ Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
2	Agriculture	Revenue	3524363000	126000	3524489000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	15701000	0	15701000
5	Co-operation	Revenue	721799000	0	721799000
		Capital	34800000	0	34800000
6	Fisheries	Revenue	701892000	0	701892000
9	Education	Revenue	10759225000	153702000	10912927000
13	Energy Projects	Revenue	3060000000	0	3060000000
14	Other Expenditure pertaining to Energy and Petro-Chemicals Department	Capital	3000000000	0	3000000000
16	Tax Collection Charges (Finance Department)	Revenue	0	912000	912000
18	Pension and Other Retirement Benefits.	Revenue	3590175000	0	3590175000
20	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	0	14000	14000
		Capital	0	856695000	856695000
22	Civil Supplies	Revenue	47130000	0	47130000
26	Forest	Revenue	15117000	695000	15812000
29	Governor	Revenue	0	10359000	10359000
30	Council of Ministers	Revenue	3129000	0	3129000
31	Election	Revenue	351676000	0	351676000
33	General Administration Department	Revenue	110387000	0	110387000
34	Economic Advice and Statistics	Revenue	165967000	0	165967000
35	Other Expenditure pertaining to General Administration Department	Revenue	11820000	3848000	15668000
		Capital	7724000	0	7724000
39	Medical and Public Health	Revenue	3598906000	70000	3598976000
40	Family Welfare	Revenue	17884000	0	17884000
41	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	0	4000	4000
42	Home Department	Revenue	425000	0	425000
43	Police	Revenue	625659000	2819000	628478000
44	Jails	Revenue	114072000	0	114072000
46	Other Expenditure pertaining to Home Department	Revenue	120001000	2000	120003000
		Capital	720073000	0	720073000
48	Stationery and Printing	Revenue	18437000	0	18437000

Demand No. of Vote/ Appropri- ation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
49	Industries	Revenue	394000	0	394000
		Capital	1000	0	1000
50	Mines and Minerals	Revenue	9511000	0	9511000
51	Tourism	Capital	1200000000	0	1200000000
52	Other Expenditure pertaining to Industries and Mines Department	Capital	987500000	0	987500000
54	Information and Publicity	Revenue	18355000	0	18355000
55	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	0	192000	192000
57	Labour and Employment	Revenue	20714000	0	20714000
60	Administration of Justice	Revenue	198465000	51317000	249782000
66	Irrigation and Soil Conservation	Revenue	0	8566000	8566000
		Capital	459942000	155220000	615162000
67	Water Supply	Capital	4000000000	0	4000000000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	0	370904000	370904000
69	Panchayats, Rural Housing and Rural Development Department	Revenue	10000000	0	10000000
70	Community Development	Revenue	331592000	0	331592000
71	Rural Housing and Rural Development	Revenue	3463050000	250500000	3713550000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	408600000	0	408600000
74	Transport	Revenue	991800000	0	991800000
75	Other Expenditure pertaining to Ports and Transport Department	Revenue	118951000	0	118951000
82	Other Expenditure pertaining to Revenue Department	Revenue	4310000	0	4310000
83	Roads and Buildings Department	Revenue	16675000	0	16675000
84	Non-Residential Buildings	Revenue	807086000	5250000	812336000
85	Residential Buildings	Revenue	127706000	0	127706000
86	Roads and Bridges	Revenue	1392961000	23417000	1416378000
		Capital	2370956000	21513000	2392469000
87	Gujarat Capital Construction Scheme	Revenue	26603000	0	26603000
		Capital	1580000000	0	1580000000

Demand No. of Vote/ Appropri- ation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	9290000	115045000	124335000
90	Other Expenditure pertaining to Science and Technology Department	Capital	297500000	0	297500000
92	Social Security and Welfare	Revenue	492880000	1250000	494130000
93	Welfare of Scheduled Tribes	Revenue	236228000	0	236228000
95	Scheduled Castes Sub Plan	Revenue	58764000	0	58764000
96	Tribal Area Sub-Plan	Revenue	2137168000	79518000	2216686000
		Capital	1297985000	14789000	1312774000
98	Youth Services and Cultural Activities	Revenue	6719000	0	6719000
101	Urban Housing	Revenue	0	48000000	48000000
102	Urban Development	Revenue	482437000	0	482437000
103	Compensation, Assignment and Tax Collection Charges	Revenue	200000000	0	200000000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	2000	750000	752000
107	Climate change Department	Revenue	616000	0	616000
	Total:	Revenue	39144642000	1127260000	40271902000
		Capital	15956481000	1048217000	17004698000
	Grand Total:		55101123000	2175477000	57276600000



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PART IV

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The following Act of the Gujarat Legislature, having been assented to
by the Governor on the 19th March, 2013, is hereby published for general
information.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department

GUJARAT ACT NO. 4 OF 2013.

(First published, after having received the assent of the Governor, in
the "Gujarat Government Gazette", on the 20th March, 2013).

AN ACT

to repeal the Bombay Inams (Kutch Area) Abolition Act, 1958.

WHEREAS it is expedient to repeal obsolete Act, it is hereby enacted in the
Sixty-second Year of the Republic of India as follows :-

1. This Act may be called the Bombay Inams (Kutch Area) Abolition Short title,
(Repeal) Act, 2011.

- Repeal., 2. The Bombay Inams (Kutch Area) Abolition Act, 1958 is hereby repealed. Bom. XCVIII of 1958,
- Savings., 3. (1) Notwithstanding the repeal of the Bombay Inams (Kutch Area) Abolition Act, 1958 (hereinafter referred to as "the said Act"). Bom. XCVIII of 1958,
- (a) Land made liable to payment of land revenue in accordance with the Bombay Land Revenue Code, 1879 and the rules made thereunder by the said Act shall continue to be so liable, and Bom. V of 1879,
- (b) the liability to pay land revenue levied under the said Code imposed on the holder of land by the said Act shall continue.
- (2) The repeal of the said Act shall not affect-
- (a) any restriction imposed by the said Act on transfer of land; or
- (b) the application of the provisions of the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 to any land or the relationship between holder of land or, as the case may be, landlord and his tenant made by the said Act. Bom. XCIX of 1958,
- (3) Without prejudice to the provisions contained in sub-section (1) and (2) and subject thereto, section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the said Act as if the said Act had been an enactment within the meaning of the said section 7. Bom. 1 of 1904,
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C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 5 OF 2013.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 20th March, 2013).

AN ACT

to provide for the establishment of the University to be known as the Institute of Infrastructure, Technology, Research And Management to facilitate and promote studies, research, technology incubation, product innovation and extension work in the field of infrastructure science, technology and management education and also to achieve excellence in higher technical education and other matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-third Year of the Republic of India as follows :-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Institute of Infrastructure, Technology, Research And Management Act, 2012.

Short title and
commencement.

(2) This section shall come into force at once and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (i) "Academic Council" means the Academic Council of the University constituted under section 15;
- (ii) "Board" means the Board of Governors of the University constituted under section 12;
- (iii) "Chairman" means the Chairman of the University appointed under section 10;
- (iv) "Dean" means the Deans of the faculties of the University appointed under section 24;
- (v) "Director" means the Directors of the University Schools appointed under section 23;
- (vi) "Director General" means the Director General of the University appointed under section 19;
- (vii) "Finance Committee" means the Finance Committee of the University constituted under section 17;
- (viii) "prescribed" means prescribed by regulations;
- (ix) "Registrar" means Registrar of the University appointed under section 22;
- (x) "Regulations" means regulations of University made under section 36;
- (xi) "State Government" means Government of Gujarat;
- (xii) "University" means the Institute of Infrastructure, Technology, Research And Management established and incorporated under section 3;
- (xiii) "University School" means any school or centre established and maintained by the University for research, studies, etc.

CHAPTER II UNIVERSITY

**Establishment
and
incorporation of
University.**

3. (1) There shall be established a University by the name of the "Institute of Infrastructure, Technology, Research And Management (IITRAM)".

(2) The Chairman, the Board, the Academic Council, the Finance Committee, the Director General, the Directors, the Deans, the Registrar and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership,

are hereby constitute a body corporate by the name of the "Institute of Infrastructure, Technology, Research And Management (IITRAM)".

(3) The University shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power subject to the provisions of this Act to acquire and hold property, to contract and shall, by the said name, sue and be sued.

(4) The University shall function as a non-affiliating University and it shall not affiliate any other college or institute for the conferment of degree, diploma, certificate, other academic distinctions and titles to the students admitted therein.

4. The headquarters of the University shall be at Ahmedabad.

**Headquarters
of University.**

5. The objects of the University shall be as follows, namely:-

**Objects of
University.**

- (i) to provide a system of technical education capable of responding to the changing requirements of technical manpower;
- (ii) to bring about qualitative improvement in teaching and learning process;
- (iii) to inculcate the practice of creating instructional experiences which make the acquisition of knowledge and skill more efficient and effective;
- (iv) to facilitate and promote studies leading to award of degrees, diplomas and certificates;
- (v) to organize advanced studies and promote research, with a focus on basic and applied sciences, engineering, technology and management;
- (vi) to achieve excellence in science, engineering, technology, management and allied areas and matters connected therewith or incidental thereto;
- (vii) to provide necessary help to encourage entrepreneurship amongst students;
- (viii) to maintain live contact with alumni and develop alumni sponsored programmes;
- (ix) to promote research, teaching methodology, application of scientific knowledge in the field of infrastructure;
- (x) to help foster bond between research and academic institutions and infrastructural development agencies for better planning, management, execution, maintenance and standards of infrastructure.

6. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely: -

**Powers and
functions of
University.**

- (1) to provide for instruction and research in such branches of engineering and technology, management, sciences and arts, as the University may think fit, and for the advancement of learning and dissemination of knowledge in such branches;

- (2) to admit the students for the courses offered by the University in the prescribed manner;
- (3) to hold examinations and grant degrees, diplomas, certificates or other academic distinctions or titles subject to such conditions as the University may determine;
- (4) to confer honorary degrees or other academic distinctions in the prescribed manner;
- (5) to withdraw degrees, diplomas, certificates and other academic distinctions for good and sufficient reasons;
- (6) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (7) to sponsor and undertake research in all aspects of science, technology, management and arts in relation to the domains of infrastructure development, management and allied areas; and to offer executive developmental programmes;
- (8) to develop and maintain linkages with educational or other institutions in any part of the world having objects wholly or partly similar to those of the University, through exchange of teachers, students and scholars and generally in such manner as may be conducive to their common objects;
- (9) to develop and maintain relationships with teachers, researchers and experts in the domains of infrastructure development, technology, management and allied areas in any part of the world for achieving the objects of the University;
- (10) to fix, demand and receive fees and other charges as may be prescribed;
- (11) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University and consistent with the object for which the University is established and to enter into any agreement with the Central Government, the State Government, the University Grants Commission or other authorities, bodies or any person for receiving any grants;
- (12) to regulate the expenditure, manage the finances and to maintain accounts of the University;
- (13) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques or other negotiable instruments;
- (14) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit with the prior approval of the State Government and to pay out of the funds of the University, all expenses incidental to the raising of money, to repay and redeem any money borrowed under intimation to the State Government;

- (15) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;
- (16) to purchase or to take on lease or accept as gift or otherwise, any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and to construct, alter and maintain any such buildings or works;
- (17) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (18) to frame regulations for the functioning of its authorities, officers and for proper discharge of its powers and functions;
- (19) to supervise and control the residence and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (20) to regulate and enforce discipline amongst the officers and employees of the University and to provide for such disciplinary measures as may be prescribed;
- (21) to establish, maintain and manage schools of studies, teaching departments, centres of studies and such other units for research and instruction as in the opinion of the University, necessary for the furtherance of its objects;
- (22) to establish, maintain and manage halls and hostels for the residence of students and accommodation for faculty, officers and employees of the University and the guest house;
- (23) to prescribe course of study and curricula and provide for flexibility in the education systems and delivery methodologies including electronic and distance learning;
- (24) subject to the provisions of this Act and regulations, any officer or authority of the University may, by order delegate all or any of his or its powers (except the power to make regulations) to any other officer or authority under his or its control; and
- (25) to do all such things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

7. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.

University open to all irrespective of sex, religion, class, creed or opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion in order

to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma, certificate or other academic distinction or title to enjoy or exercise any privilege of the University or any benefaction thereof.

CHAPTER III

AUTHORITIES AND OFFICERS OF UNIVERSITY

Authorities of University. 8. The following shall be the authorities of the University, namely:

- (i) the Board;
- (ii) the Academic Council;
- (iii) the Finance Committee; and
- (iv) such other authorities as may be declared by regulations to be the authorities of the University.

Officers of University. 9. The following shall be the Officers of the University, namely:-

- (i) the Chairman;
- (ii) the Director General;
- (iii) the Directors;
- (iv) the Deans;
- (v) the Registrar; and
- (vi) such other persons as may be declared by regulations to be the officers of the University.

Chairman. 10. (1) The Chairman of the University shall be appointed by the State Government, who shall,-

- (a) be an eminent educationalist or technologist or industrialist or administrator having vision for human resources development; and
- (b) be associated with education, philanthropy, industrial or business development or administration in the State services, corporations or public bodies.

(2) The Chairman shall hold office for a period of three years and shall be eligible for re-nomination.

(3) The other terms and conditions of the Chairman shall be such as may be determined by the regulations.

(4) Where a vacancy in the office of the Chairman occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Chairman of the University in accordance with the provision of sub-section (1).

(5) The Chairman may resign from his office by writing under his hand addressed to the State Government and such resignation shall take effect from the date of acceptance by the State Government.

Powers of Chairman. 11 (1) The Chairman shall preside over the meetings of the Board and at the convocation of the University.

(2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or regulations made thereunder.

(3) The Chairman shall have, subject to the provisions of this Act, power to cause an inspection or review, to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipments and systems and processes and of any institution or center maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finances of the University.

12. (1) The Board of Governors of the University shall consist of following members, namely:- **Board of Governors.**

- (i) the Chairman;
- (ii) the Director General;
- (iii) the Secretary to the Government of Gujarat, Education Department, *ex-officio* or his representative;
- (iv) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his representative;
- (v) the Commissioner, Technical Education, Gujarat State, *ex-officio* or his representative;
- (vi) a Vice-Chancellor or *ex Vice-Chancellor* of the State or National University or a Director or equivalent of the Institute of national repute, to be nominated by the State Government;
- (vii) two expert academicians, to be nominated by the Board; and
- (viii) three experts representing other disciplines such as finance, legal, management, humanities or industries, to be nominated by the Board.

(2) The Registrar shall be the Secretary of the Board.

13. (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, directions and the control of the affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council, Finance Committee and other committees or authorities constituted by the University. **Powers and functions of Board.**

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely:-

- (i) to take decisions on questions of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to lay down policies to be pursued by the University;
- (iv) to make regulations;
- (v) to consider and approve the annual report and the annual budget of the University for every financial year;
- (vi) to invest moneys and funds of the University and take decision on the recommendation of the Finance Committee;

- (vii) to create or abolish posts of teachers, officers and other employees of the University ;
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to appoint Director General;
- (x) to delegate any of its powers (except power to make regulations) to the Director General, Directors, Deans, Registrar or any other officer, employee or authority of the University or to a committee appointed by it; and
- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the regulations, and all such other powers for achieving the objects of the University.

Term of office
and vacancies
amongst
members of
Board and
allowances, etc.

14. (1) Save as otherwise provided in this section, the term of office of other members of the Board shall be three years from the date of his nomination; the term of office of an *ex-officio* member shall continue so long as he holds the office by virtue of which he is a member of the Board.

(2) A member shall not be eligible for re-nomination for more than two terms.

(3) A member may resign from his office by writing under his hand addressed to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

(4) Any vacancy in the Board occurring before the next reconstitution or before the expiry of the prescribed period shall be filled up in the same manner as provided in section 12 and such a member shall hold office for the remainder of the term of the member in whose place he is nominated.

(5) The members of the Board shall be entitled to such allowances, as may be provided for in the regulations.

Academic
Council.

15. The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, have the control and regulation of, and be responsible for, the maintenance of standards of instruction, education, research and examination within the University.

(2) The Academic Council of the University shall consist of the following members, namely: -

- (i) the Director General, who shall be the Chairman of the Council;
- (ii) three academicians or professionals, to be nominated by the Board;
- (iii) two Directors, by rotation, to be nominated by the Board;

- (iv) two Deans, by rotation, to be nominated by the Board;
 - (v) faculties of University School not exceeding three, to be nominated by the Director General.
- (3) The Registrar shall be the Secretary of the Academic Council.
- (4) The term of office of the members other than the *ex-officio* members, shall be three years.
- (5) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Academic Council and his resignation shall take effect from such date it is accepted by the Chairman of the Academic Council.

16. Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers and functions, namely: -

Powers and functions of Academic Council.

- (i) to exercise control over the academic policies of the University and be responsible for the maintenance and improvement of standards of instruction, education and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the faculties/officers of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board, such regulations as are consistent with this Act regarding the academic functioning of the University including discipline of students; and
- (iv) to exercise such other powers and perform such other functions as may be conferred upon it by the regulations.

17. (1) The Finance Committee shall consist of the following members, namely :-

Finance Committee.

- (i) the Director General, who shall be the Chairman of the Committee;
- (ii) one member of the Board, to be nominated by the Board;
- (iii) one Director or Dean, by rotation, to be nominated by the Director General;
- (iv) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his representative;
- (v) one expert in the field of finance, to be nominated by the Board;

- (2) The Registrar shall be the Secretary of the Finance Committee.
- (3) The term of office of the members other than the *ex-officio* members shall be three years.

(4) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Finance Committee and his resignation shall take effect from such date it is accepted by the Chairman of the Finance Committee.

Powers and functions of Finance Committee. 18. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (i) to examine the annual accounts and annual budget estimates of the University and advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine all proposals relating to the revision of pay scales, up gradation of the scales and those items which are not included in the budget prior to placing before the Board;
- (viii) to approve the expenditure of the University to the extent and manner as may be prescribed; and
- (ix) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

Director General. 19. (1) The Director General shall be appointed by the Board with the approval of the State Government, in the manner as may be prescribed by regulations.

(2) The Director General shall be a scholar of eminence in one of the areas of applied sciences, engineering; infrastructural science, technology or management having suitable administrative experience.

(3) The Director General shall be the Chief Executive and Academic Officer of the University. He shall preside over the meetings of the Academic Council and the Finance Committee.

(4) The term of office of the Director General shall be determined by the Board for a period not exceeding five years or till he attains the age of seventy years, whichever is earlier.

(5) Whenever any vacancy occurs in the office of the Director General and it can not be conveniently and expeditiously filled up in accordance with the provisions of sub-sections (1) and (2) and if there is any emergency, the Board may appoint any suitable person to be the Director General and may, from time to time, extend the

term of such person for a period not exceeding one year.

(6) The Director General may resign from his office by writing under his hand addressed to the Chairman of the University and his resignation shall take effect from such date it is accepted by the Chairman.

(7) The other terms and conditions of the services of the Director General shall be such as may be prescribed by the Board and until so prescribed, shall be determined by the Chairman of the University.

20. Without prejudice to the generality of the provision contained in section 19, the Director General shall –

Powers and functions of Director General.

- (i) exercise general supervision and control over the day to day affairs of the University;
- (ii) preside over at the meetings of the Academic Council and the Finance Committee;
- (iii) ensure implementation of the decisions of the authorities of the University;
- (iv) ensure that the provisions of this Act and the regulations are faithfully followed;
- (v) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (vi) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board or by the Chairman.

21. (1) Where any matter is of an urgent nature requiring immediate action and the same cannot be immediately dealt with by the Chairman or authority or body of the University empowered under this Act to deal with it, the Director General may take such action as he may deem fit with the consent of the Chairman and shall forthwith report the action so taken by him to the authority or body of the University who or which, in the ordinary course, would have dealt with the matter:

Emergency powers of Director General.

Provided that if such authority or other body is of the opinion that such action ought not to have been taken by the Director General, it may refer the matter to the Board which may either confirm the action taken by the Director General or annul the same or modify it in such manner as it thinks fit, and thereupon the action shall cease to have effect or, as the case may be, shall take effect in such modified form. However, such modification or annulment shall be without prejudice to the validity of anything previously done by or under the order of the Director General.

(2) Where the exercise of the power by the Director General due to urgency of matter under sub-section (1) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment, in accordance with the provisions of this Act and the regulations, not later than six months from the date of order of the Director General, otherwise such appointment shall cease to have effect on the expiration of a period of six

months from the date of order of the Director General.

Registrar. 22. (1) The Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed.

(2) The Registrar shall,--

- (i) be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) place before the Board and other authorities of the University, all such information and documents as may be necessary for transaction of its business;
- (iii) be responsible to the Director General for the proper discharge of his functions;
- (iv) be responsible for the administration and services of the University; and conduct the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;
- (v) attest and execute all documents on behalf of the University;
- (vi) verify and sign the pleadings in all suits and other proceedings by or against the University and all the processes in such suits and proceedings shall be issued to and served on the Registrar; and
- (vii) exercise such other powers and perform such other duties as may be assigned to him by or under this Act, the regulations or as may be delegated to him by the Board or the Director General.

Directors. 23. (1) The Directors of the University School shall be appointed by the Director General, with the approval of the Board in such manner and on such terms and conditions as may be prescribed.

(2) The Directors shall assist the Director General in managing the academic, administrative and other affairs of the University Departments, University Schools and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

24. (1) The Director General, with the approval of the Board, shall appoint the Deans of the University from amongst the faculties of the University. **Deans.**

(2) The Deans shall assist the Director General and respective Directors of University Schools in managing the academic and other affairs of the University, University Schools and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

25. Subject to the provisions of this Act and regulations, any officer or authority of the University may, by order, delegate his or its powers (except the power to make regulations) to any other officer or authority under his or its control. **Delegation of powers.**

26. Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions or titles as approved by the Board on such terms and conditions, as may be prescribed.

Conferment of degrees, diplomas and honorary degrees, grant of certificates by University.

27. Notwithstanding anything contained in the Act, the University shall have power to withdraw degrees, diplomas, certificates and other academic distinctions for good and sufficient reasons.

Withdrawal of degree or diploma and other academic distinction.

CHAPTER IV FINANCE AND ACCOUNTS

28. (1) The University shall establish and maintain a Fund to be called the University Fund consisting of -

University Fund.

- (i) any contribution or grants or loans by the State and the Central Government;
- (ii) the income of the University from all sources including income from fees and other charges;
- (iii) all moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests, transfers or endowments and other grants, if any;
- (iv) all moneys received by the University from the collaborating industry in terms of the provisions of the Memorandum of Understanding entered between the University and the industry, for establishment of the sponsored chairs, fellowships or infrastructure facilities of the University; and
- (v) the moneys received by the University in any other manner or from any other sources.

(2) All moneys credited to the fund of the University shall be deposited in such Banks or the surplus fund shall be invested in such manner as the Board on the recommendation of the Finance Committee or as per the instructions of the State Government issued from time to time in this behalf.

(3) The University Fund shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions under this Act.

(4) No money from the University shall be spent except as otherwise provided for meeting its objectives.

Accounts, audit
and annual
report.

29. (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure and the balance sheet, in such form and in such manner as may be prescribed.

(2) The University shall adopt a proper system of internal checks

and balances and controls in the discharge of its financial, accounting and auditing functions as may be prescribed.

(3) The accounts of the University shall be audited every year by an auditor, who shall be a Chartered Accountant or a firm of Chartered Accountants as defined in the Chartered Accountants Act, 1949 to be appointed by the Board.

38 of 1949.

(4) The accounts of the University certified by the person or firm so appointed or any other person authorized in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions and directions to the Director General in respect thereof as it deems fit and the Director General shall comply with such instructions and directions.

(5) The accounts of the University shall be audited by an internal auditor who shall be Chartered Accountant or a firm of Chartered Accountants appointed by the Board, to ensure concurrent audit of all books of accounts and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare for each financial year an annual report containing such particulars as the Board may specify and submit the same to the Board on or before such date as may be prescribed. The Board shall consider such report and may pass resolutions thereon.

(7) The copy of the annual report along with the resolution of the Board thereon shall be submitted to the State Government.

Pension,
provident fund
and insurance.

30. (1) The University shall, with the approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit, and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to the benefit of the officers, teachers and other employees of the University.

19 of 1925.

(2) Where any such provident fund has been constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

CHAPTER V MISCELLANEOUS

31. No act or proceeding of the Board or any authority of the University or any Committee constituted under this Act or by regulations shall be questioned on the ground merely of the existence of any vacancy in or defect of, in the constitution of such Board, authority or Committee of the University.

Acts and
proceeding not
to be
invalidated by
vacancies.

32. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them from time to time.

Returns and information.

45 of 1860.

33. Every officer, teacher and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers and employees to be public servants.

Explanation.- For the purpose of this section, any person, who is appointed by the University for a specified period or a specified work of the University or, who received any remuneration by way of allowances or fee for any work done from the University Fund, shall be deemed to an officer or employee of the University while he is performing the duties and functions connected with such appointment of work.

34. (1) No officer or employee or member of the teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Dismissal, removal, reduction or termination of services of the staff of University.

(2) An appeal against an order of dismissal, removal or reduction in rank under sub-section (1) or of termination of service shall be made to the Chairman within ninety days from the date of communication of such order and the decision of the Chairman in such appeal shall be final.

35. The State Government shall have power to issue direction from time to time as may be required for compliance of the provisions of this Act, the regulation and under any other law for the time being in force and the University shall be bound to comply with such directions.

Power to give directions.

36. (1) Subject to the provisions of this Act, the Board shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board, and the quorum and conduct of business at such meeting;
- (ii) the other powers and functions to be exercised and discharged by the Chairman, Director General, Directors and Deans and other officers of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities, term of office of the membership,

- appointment and removal of members thereof and other matters connected therewith;
- (iv) the other powers and functions to be exercised and discharged by the Academic Council, Finance Committee and other authorities which may be constituted;
 - (v) to approve the expenditure of the University to the extent and in the manner by the Finance Committee;
 - (vi) the procedure to be followed by the Board and any Committee or other body constituted by or under this Act in the conduct of the business, exercise of the powers and discharge of the functions;
 - (vii) the procedures and criteria to be followed in establishing courses of study and admission of students;
 - (viii) the procedure to be followed for enforcing discipline in the University;
 - (ix) the management of the properties of the University;
 - (x) the degrees, diplomas, certificates and other academic distinctions or titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions or titles and the requirements thereof; and to confer honorary degrees or other distinctions in the prescribed manner;
 - (xi) the conduct of examinations including the term of office and appointment of examiners;
 - (xii) the creation of posts of Directors, Professors, Associate, Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefore;
 - (xiii) the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;
 - (xiv) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and other employees of the University;
 - (xv) the terms and conditions for association of the University with other institutions;
 - (xvi) the preparation of budget estimates and maintenance of accounts;
 - (xvii) the mode of execution of contracts or agreements by or on behalf of the University;
 - (xviii) the classification and procedure for appointment of officers, employees and other staff of the University;
 - (xix) the terms, conditions and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the

Director General, Director, officers, teachers and other employees of the University;

- (xx) the terms and conditions governing deputation of officers, teachers and other employees of the University;
- (xxi) the powers and duties of the Director General, Director and other officers, teachers and employees of the University;
- (xxii) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
- (xxiii) the authentication of the orders and the decisions of the Board;
- (xxiv) the matters relating to hostels and halls of residence and housing for faculties, officers and employees and guest house including disciplinary control therein; and
- (xxv) all matters which, by this Act, are to be or may be prescribed.

37. No suit, prosecution or other legal proceeding shall lie against and no damage shall be claimed from the University, the Chairman, the Director General, the Directors, the authorities or officers or employees of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder. **Indemnity.**

38. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing difficulties: **Powers to remove difficulties.**

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

CHAPTER VI TRANSITORY PROVISIONS

Appointment of first Chairman and members of the Board.

39. Notwithstanding anything contained in sections 10 and 12, the State Government shall appoint the first Chairman and other members of the Board, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State Government thinks fit, who shall exercise all the powers and discharge all the functions of the Board.

Appointment of first Director General.

40. (1) Notwithstanding anything contained in section 19, the State Government shall appoint the first Director General, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State

Government thinks fit, who shall exercise all the powers and discharge all the functions of the Director General.

(2) The first Director General may, with the prior approval of the Chairman and subject to availability of the funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations and for that purpose, may exercise any powers or perform any duties which by or under this Act and regulations are to be exercised or performed by any authority of the University until such authority comes into existence in accordance with the provisions of this Act and the regulations.

Appointment
of first
Registrar.

41. Notwithstanding anything contained in section 22, the State Government shall appoint the first Registrar, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State Government thinks fit, who shall exercise the powers and discharge the functions of the Registrar.

Extra No. 6



सत्यमेव जयते

REGISTERED NO.L2/RNP/G/GNR-84

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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 20th March, 2013, is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 2013.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 22nd March, 2013)

AN ACT

to provide for irrigation and drainage in the State of Gujarat.

WHEREAS it is necessary to make provisions for the construction relating to irrigation in the State of Gujarat and for the matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Irrigation and Drainage Act, 2013. Short title, extent, commencement and application.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
- (4) It shall apply to all the works constructed or maintained relating to irrigation by the State Government, State Government Institutions and Grant-in-Aid Institutions of the State and includes all services rendered thereof.

Definitions: 2. In this Act, unless the context otherwise requires, -

- (1) "Appellate Authority" means Canal-Officer of the rank of the Executive Engineer of the concerned project or part of the project;
- (2) "canal" includes -
 - (a) all canals, channels, water-courses, pipes and reservoirs constructed, maintained or controlled by the Government for the supply or storage of water;
 - (b) all works, embankments, structures and supply and escape-channels connected with such canals, channels, pipes or reservoirs; and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, pipes or reservoirs;
 - (c) all field channels, drainage-works and flood embankments;
 - (d) river, stream, lake, natural collection of water or natural drainage-channels or any part thereof, to which the State Government may apply the provisions of section 4, or the water of which has been applied or used before the passing of this Act for the purpose of any existing canal;
 - (e) all lands belonging to the Government which are situated on a bank of any canal, and which have been appropriated under the orders of the Government for the purposes of such canal;
 - (f) all tubewells, artesian wells, borewells and dugwells, constructed by the Government and maintained or controlled by the Government;
 - (g) percolation tank or pond used for recharge of ground water;
- (3) "Canal-officer" means any person or an officer appointed as a canal-officer under section 3 for the purposes of the Act;
- (4) "drainage work" means any work in connection with a system of irrigation or reclamation made or improved by the Government for the purpose of the drainage, whether under the provisions of section 14 or otherwise, and includes escape-channels from a canal, dams, weirs, embankments, sluices, groins and other works-connected therewith, but does not include works for the removal of sewage from towns;
- (5) "Federation" means a federation of recognised associations;
- (6) "field channel" means any channel or pipe, constructed and maintained by the holder of a land either by himself or jointly with other holders of lands or constructed by the Government and

maintained by such holder or holders beyond a water-course and includes all subsidiary works connected with any such channel or pipe;

- (7) "flood-embankment" means any embankment constructed or maintained by the Government in connection with any system of irrigation or reclamation works for the protection of lands from inundation or which may be declared by the Government to be maintained in connection with any such system, and includes all groins, spurs, dams and other protective works connected with such embankments;
- (8) "Government" means the State Government;
- (9) "land under irrigable command of a canal" means such lands as are irrigated or capable of being irrigated from the canal, being under its command and shall include such lands as are or shall be deemed to be irrigated within the meaning of section 34;
- (10) "Lift Irrigation Scheme" means the scheme in which the water is pumped from water body such as river, stream, drain, *nalla*, *kotar*, lake, pond, reservoir, *bandhara*, canal, tube-well, natural collection of water, etc. and supplied to the area situated at higher elevation for the purpose of irrigation or other purpose;
- (11) "outlet" means an opening in a canal through which water is delivered into a water-course, field-channel, pipeline or directly to any land;
- (12) "owner" includes every person having a joint interest in the ownership in land, building or such other things; and all rights and obligations which attach to an owner under the provisions of this Act shall attach jointly and severally to every person having such joint interest in the ownership;
- (13) "prescribed" means prescribed by rules made under section 47;
- (14) "Water Conservation Structure" means any structure permanent or otherwise constructed or maintained for the purpose of impounding or diverting water of any river, stream, lake or any natural collection of water and includes any dam, weirs, *bandhara*, tidal regulator, checkdam, sluices, head walls, groins, spreading channels or any other works constructed for water conservation;
- (15) "water-course" means a channel constructed and maintained at the cost of the Government to supply water from an outlet;
- (16) "Water Users' Association (WUA)" means an Association as defined by clause (1) of section 2 of the Gujarat Water Users'

Participatory Irrigation Management Act, 2007(in short "PIM Act,2007");

Appointment of Canal-Officers. 3. For carrying out the purposes of this Act, the State Government may by notification in the *Official Gazette* -

- (a) appoint such officers not below the rank of Overseer or Additional Assistant Engineer as the canal-officer and assign to them such powers and such duties under this Act, as the State Government may deem fit and also specify the area of jurisdiction;
- (b) authorise or empower the water users' association to appoint the office bearer of the Association to exercise such powers and perform such duties of the canal-officer, as the State Government may deem fit and also specify the area of jurisdiction.

CHAPTER II

CONSTRUCTION AND MAINTENANCE OF CANAL SYSTEMS

(A) *Application of Water for Purposes of Canals.*

When water-supply to be applied to canal.

4. Whenever it appears expedient or necessary to the Government that the water of any river or stream flowing in a natural channel, or of any lake or any other natural collection of still water, should be applied or used by the State Government for the purposes of any existing or projected canal, the State Government may, by notification in the *Official Gazette*, declare that the said water shall be so applied or used after such date as may be specified in the said notification, not being earlier than three months from the date thereof.

(B) *Power of Entry on Land, etc.*

Power of canal officer for applying water-supply.

5. At any time after the date specified under section 4, any canal-officer duly empowered in this behalf may enter on any land, remove any obstruction, close any channel and do any other thing necessary for such application or use of the said water and for such purposes may take with him, or depute or employ, such employees and other persons as he deems fit.

Entry for inquiry.

6. Whenever it is expedient or considered necessary to make any inquiry or examination in connection with a projected canal, or with the maintenance of an existing canal, any canal-officer duly empowered, in this behalf, and any person acting under the general or special order of any such canal-officer may,-

- (a) enter upon such land as he may think necessary for the purpose, and
- (b) exercise all powers and do all things in respect of such land as if the State Government had issued a notification under the provisions of

section 4 of the Land Acquisition Act, 1894 to the effect that such land in that locality is likely to be needed for the public purpose, and

- (c) set up and maintain water-gauges and do all other things necessary for the prosecution of such inquiry and examination.

7. Any canal-officer or any person acting under the general or special order of any such canal-officer, may enter upon any land, building or water course, in respect of which any water-rate is chargeable, for the purpose of inspecting or regulating the use of the water supplied, or of measuring the land irrigated thereby or chargeable with a water-rate, and of doing all things necessary for the proper regulation and management of the canal from which such water is supplied. **Power to inspect and regulate water-supply.**

8. In case of any accident being apprehended or happening to a canal, any canal-officer and person acting under the general or special order of any such canal-officer, may enter upon any land adjacent to such canal, and may take away trees and other materials, and execute all works, which may be necessary for the purpose of preventing such accident or repairing any damage done. **Power to enter for repairs and to prevent accidents.**

9. When a canal-officer or other person proposes, under section 6, 7 or 8, to enter into any building or enclosed court or garden attached to a dwelling-house, not supplied with water from a canal, and not adjacent to a flood-embankment, he shall give prior notice to the occupier of such building, court or garden, as the urgency of the case may allow. **Notice to occupier of building, etc.**

(C) *Canal Crossings.*

10. (1) The crossing canals shall be provided at such places as the Government thinks necessary for the reasonable convenience of the inhabitants of the adjacent land, and suitable bridges, culverts or other works shall be constructed to prevent the drainage of the adjacent land being obstructed by any canal. **Means of crossing canals to be provided and obstruction to drainage to be avoided.**

(2) The Government may approve the crossing of canal systems by all types of utility lines, if it deems fit, after obtaining necessary deposits, rent, maintenance and repair charges and other applicable charges.

(3) The Government may approve the crossing of natural drain, diversion of natural drain by earthen bund or by any means if it deems fit.

(D) *Removal of Obstructions to Drainage.*

11. (1) Whenever it appears to the State Government that injury to the public health, or public convenience, or to any canal or to any such land for which irrigation from a canal is available, has arisen or may arise from the obstruction of any river, stream or natural drainage-course, it may, by notification in the *Official Gazette*, prohibit, within the limits to be defined **State Government may prohibit formation of obstructions of rivers, etc., within certain limits.**

in such notification, the formation of any such obstruction, or may, within such limits, order the removal or other modification of such obstruction.

(2) On publication of the notification under sub-section (1), the said river, stream or natural drainage channel, as is comprised within such limits, shall be held to be a drainage work as defined by clause (4) of section 2.

Canal-officer may direct any person to remove obstruction.

12. Any canal-officer may, after publication of the notification under sub-section (1) of section 11, by an order, direct to any person causing or having control over any such obstruction to remove or modify the same within such time as may be specified in such order.

Canal-officer may cause obstruction to be removed.

13. If within the time specified under section 12 such person does not comply with the order, the canal-officer may cause the obstruction to be removed or modified at the cost of such person; and if the person to whom the order was issued does not, when called upon, pay the expenses of such removal or modification, such expenses shall be recoverable by the Collector as an arrear of land-revenue.

(E) Construction of Drainage Works.

When drainage works are necessary, State Government may order scheme to be carried out.

14. (1) Whenever it appears to the State Government that any drainage work is necessary for the public health or for the improvement of the proper cultivation or irrigation of any land, or that protection from floods or other accumulations of water, or from erosion by a river, is required for any land, the State Government may cause a scheme for such work to be drawn up and carried into execution.

(2) The person authorised by the State Government may authorise any person to draw up and execute the scheme referred to under sub-section (1) and thereupon such person may exercise in connection therewith the powers conferred on canal-officer under sections 6, 7 and 8 and shall be liable to the obligations imposed upon canal-officer under sections 9 and 22.

CHAPTER III

CONSTRUCTION AND MAINTENANCE OF FIELD CHANNELS

Construction and maintenance of Field Channels.

15. (1) Where there does not exist field channel in any service area in which lands are capable of being irrigated from a canal, the State Government may construct the field channel in the public interest at the cost of the State Government, which is likely to be needed for construction of proposed field channel.

(2) The field channel constructed by the State Government under sub-section (1) shall be maintained in accordance with the rules as may be prescribed.

CHAPTER IV SUPPLY OF WATER

16. (1) Every person desiring to have a supply of water from a canal shall submit a written application to that effect to the canal-officer, in such form alongwith such fees as may be prescribed. **Application for supply of water.**

(2) The provisions of sub-section (1) shall not apply to the projects or part of the project where the minor canal service area is declared and implemented under section 3 of the PIM Act, 2007. **Guj. 18 of 2007.**

(3) On receipt of an application made under sub-section (1), the canal-officer may grant permission for water to be taken subject to such conditions and restrictions, as to the limitation, control and measurement of the supply to impose in relation to the use of water for any particular purpose as may be prescribed.

17. The supply of water to any field-channel or to any person who is entitled to such supply shall not be stopped except – **Power to stop water-supply.**

- (a) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by canal-officer;
- (b) whenever and so long as may field-channel by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom;
- (c) whenever and so long as it is necessary to do so in order to supply in rotation, the legitimate demands of other persons entitled to water;
- (d) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water;
- (e) within the periods fixed from time to time by a canal-officer of which due notice shall be given;
- (f) whenever and so long as it is necessary to stop such supply pending a change in the source thereof by a canal-officer;
- (g) in accordance with the condition, if any, providing for stoppage of water supply, subject to which permission for water supply to be taken may have been given.

18. When canal-water is supplied for the irrigation of one or more crops only, the permission to use such water shall continue until such crop or crops come to maturity, and shall be valid only for such crop or crops. **Duration of water supply.**

19. (1) Every agreement for the supply of canal-water to any land, building or other immovable property shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such land, building or other immovable property takes place. **Agreement for supply of water transferable with property in respect of which water supply given.**

(2) No person entitled to use of any work or land appertaining to any canal and except in the case of any such agreement as aforesaid, no person

entitled to use the water of any canal, shall sell or sub-let or otherwise transfer, his right to such use without the permission of a canal-officer.

CHAPTER V

AWARD OF COMPENSATION

(A) *Compensation when claimable.*

Compensation
in cases of
ascertainable
substantial
damage.

20. Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by or under this Act, which is capable of being ascertained and estimated at the time of awarding such compensation:

Provided that no compensation shall be awarded in respect of any damage arising from -

- (a) deterioration of climate, or
- (b) stoppage of navigation, or the means of rafting timber or of watering cattle, or
- (c) stoppage or diminution of any supply of water in consequence of the exercise of the power conferred by section 4, if no use has been made of such supply within the five years prior to the date of issue of the notification under section 4, or
- (d) failure or stoppage of the water in a canal, when such failure or stoppage is due to-
 - (i) any cause beyond the control of the State Government,
 - (ii) the execution of any repairs, alterations or additions to the canal, or
 - (iii) any measures considered necessary by any canal-officer for regulating the proper flow of water in the canal, or for maintaining the established course of irrigation;

but any person who suffers loss from any stoppage or diminution of his water-supply due to any of the causes specified in clause (d) shall be entitled to such remission of the water-rate payable by him as may be authorised by the Government.

Limitation of
claims.

21. No claim for compensation under this Act shall be entertained after the expiration of twelve months from the time when the damage complained has commenced, unless the Appellate Authority is satisfied that the claimant had sufficient cause for not making the claim within such period.

(B) *Summary Decision.*

Compensation for
damage caused by
entry on land, etc.

22. In every case of entry upon any land or building under section 5, 6, 7 or 8, the canal-officer or person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the

execution of any work, to any crop, tree, building or other property. The canal officer shall within one month from the date of such entry tender the compensation to the land holder or owner of the property damaged. If such tender is not accepted, the canal-officer shall forthwith refer the matter to the Appellate Authority for the purpose of ascertaining the amount of compensation and deciding the same.

23. If the supply of water to any land irrigated from a canal is interrupted otherwise than in the manner described in clause (d) of section 20, the holder of such land may prefer an appeal for compensation to the Appellate Authority for any loss arising from such interruption, and the Appellate Authority, after consulting the canal-officer shall award to the applicant reasonable compensation for such loss.

Compensation on account of interruption of water-supply.

24. The decision of the Appellate Authority under section 22 or 23 as to the amount of compensation to be awarded, or, if any rule framed under section 47, the decision of the appellate authority in the matter prescribed under section 47 shall be conclusive and final.

Decision as to amount of compensation conclusive.

(C) Formal Adjudication.

25. As soon as practicable after the issue of a notification under section 4, the Collector shall cause a public notice to be given at convenient places, stating that the Government intends to apply or use the water as aforesaid, and that claims for compensation may be made before him. A copy of sections 20 and 21 shall be annexed to every such notice.

Notice as to claim for compensation in certain cases.

26. All claims for compensation under this Act, other than the claims provided for in sections 22 and 23, shall be made to the Collector of the district in which such claim arises.

Claim to be referred to Collector.

27. (1) The Collector shall inquire into every such claim and determine the amount of compensation, if any, which may, in his opinion be given to the claimant, and shall make an award.

Provisions of Land Acquisition Act, 1894 to apply in inquiry and award.

1 of 1894.

(2) Every award made under sub-section (1) shall be in the form of award declared under section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act shall so far as may be, apply to the inquiry and the making of an award under sub-section (1).

28. In determining the amount of compensation under section 27, regard shall be had to the diminution in the market-value, at the time of awarding compensation, of the property in respect of which compensation is claimed. Where such market-value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property.

Diminution in market value to be considered in fixing compensation.

29. (1) All sums of money payable for compensation awarded under section 27 shall be due three months after the claim for such compensation was made.

Compensation when due and interest thereon.

(2) Simple interest at the rate of six per cent. per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or receive the same.

CHAPTER VI

WATER RATES

(A) *Supply Rates.*

Rates for supply
of canal-water.

30. (1) The State Government may determine the rates leviable for canal-water supplied for purposes of irrigation, or for other purposes.

(2) In case the construction of a new canal or to the improvement or extension of an existing canal, the amount or duration of any water-supply, in respect of which either no revenue or a fixed amount of revenue has hitherto been paid to the State Government, is increased, rates shall be leviable under this section in respect of the increased water-supply only.

(3) The rates shall be payable by the person on whose application the water supply was granted, or by any person who uses the water so supplied.

(B) *Water rates for unauthorised used and waste of water.*

Liability when person
using water
unauthorisedly cannot
be identified.

31. If water supplied through a field-channel be used in an unauthorised manner, and if the person by whose act or neglect such use has occurred cannot be identified -

(i) the person or all the persons on whose land such water has flowed, if such land has derived benefit therefrom, or

(ii) if no land has derived benefit therefrom, the person, or all the persons chargeable in respect of the water supplied through such field-channel,

shall be liable, or jointly liable, as the case may be, for the charges which shall be payable for such use as may be prescribed.

Liability when
water runs to
waste.

32. (1) If water supplied through a field-channel be suffered to run to waste, and if, after inquiry, the person through whose act or neglect such water was suffered to run waste cannot be discovered, the person or the persons in-charge of the water supplied through a field-channel shall be liable, or jointly liable, as the case may be, for payment of such charges as may be prescribed which shall be made in respect of the water so wasted.

(2) All questions arising under sections 31 and 32 shall, subject to the provisions of section 43, be decided by the respective canal-officer.

Charges
recoverable
in addition
to penalties.

33. All charges for the unauthorised use or for waste of water may be recovered, as water-rates, in addition to any penalty as decided by the Government on account of such use or waste.

(C) Water rates for percolation and leakage.

34. If it appears to a canal-officer-

(i) that any cultivated land within two hundred meters of any canal receives, by percolation or leakage from such canal, an advantage equivalent to that which would be given by a direct supply of canal-water for irrigation, or

Land deriving benefit from percolation liable to payment of water rate.

(ii) that any cultivated land, wherever situate, derives by a surface-flow or by means of a well-sunk within two hundred meters of any canal after the admission of water into such canal, a supply of water which has percolated or leaked from such canal,

he may charge on such land a water-rate not exceeding that which would ordinarily have been charged for a similar direct supply to land similarly cultivated.

Explanation.- For the purposes of this Act, land charged under this section shall be deemed to be land irrigated from a canal.

35. If it appears to a canal-officer to enforce the provisions of this section that any natural stream, artificial drain or well sunk within two hundred meters of any canal is deriving percolation water from such canal, and the water from such stream, drain or well is used for the purposes other than those of irrigation, he may charge for use of such water, a water rate not exceeding that as would ordinarily have been charged if the supply had been made from the canal for such purposes.

Levy of water rate for use of percolation water for non-irrigation purposes.

(D) Recovery of water rates and other rates in arrears.

36. (1) Every water-rate leviable or charged under this Act shall be payable in such installments and on such dates and to such officers and in such manner as may be prescribed; and if the person who is liable to pay such installments, makes default in such payment on the date when it becomes due, he shall be liable to pay interest at such rate and within such period as may be prescribed.

Payment and recovery of water rates and other dues.

(2) Any such rate of the installment specified in sub-section (1) or the interest which is not paid on the date when it becomes due shall be deemed to be an arrear of land revenue due on account of the land for the use of which canal-water was supplied or which was benefited by percolation or leakage from any canal and shall be recoverable as such arrear by any of the methods specified in section 150 of the Gujarat Land Revenue Code, 1879, including the forfeiture of the said land.

Bom. V of 1879.

(3) Any rent payable to the owner of a field-channel by a person authorised to use such field-channel may be paid in such installments and on such dates as the canal-officer shall direct and no more of such rent shall at any time be payable to the owner thereof than it is actually recovered from the person liable to pay.

(4) (a) Any other sum due to the State Government or to a canal-officer under the provisions of this Act whether on behalf of the State Government or any other person under this Act which is not paid when demanded shall, and

(b) any rent or installment thereof payable to the owner of a field-channel, which is not paid when it becomes due may, on behalf of the owner,

be recoverable as an arrear of land revenue in accordance with the provisions of the Gujarat Land Revenue Code, 1879. Bom. V of 1879.

CHAPTER VII OFFENCES AND PENALTIES

Penalty for 37.
damaging
canal, etc.

Whoever voluntarily and without proper authority-

- (i) damages, alters, enlarges or obstructs any canal;
- (ii) interferes with, or increases or diminishes the supply of water in, or the flow of water from, through, over or under any canal, or by any means raises or lowers the level of the water in any canal;
- (iii) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;
- (iv) destroys, defaces or moves any land or level mark or water gauge fixed by the authority of a public servant;
- (v) destroys, tampers with, or removes any apparatus or part of any apparatus, for controlling, regulating or measuring the flow of water in any canal;
- (vi) passes or causes animals or vehicles to pass, in or across any of the works, banks or channels of a canal contrary to the rules made under this Act, after he has been desired to desist therefrom;
- (vii) causes or knowingly and wilfully permits cattle to graze upon any canal or flood-embankment, or tethers or causes or knowingly and wilfully permits cattle to be tethered, upon any such canal or embankment, or roots up any grass or other vegetation growing on any such canal or embankment, or removes, cuts or in any way injures, or causes to be removed, cut or otherwise injures any tree, bush, grass or hedge intended for the protection of such canal or embankment;
- (viii) neglects, without reasonable cause to assist or to continue to assist in the execution of any repair, clearance or work, when lawfully bound so to do;
- (ix) violates any rule made under this Act for breach thereof;

XLV of 1860.

shall, when such act shall not amount to the offence of committing mischief within the meaning of the Indian Penal Code, 1860 on conviction before a Magistrate, be punished for each of such offences with imprisonment for a term which may extend to three months or with fine which may extend to five thousand rupees or with both.

38. Whoever without proper authority-

Penalty for endangering stability of canal, etc.

- (i) pierces or cuts through or attempts to pierce or cut through or otherwise damage, destroy or endanger the stability of any canal;
- (ii) opens, shuts or obstructs or attempts to open, shuts or obstructs any sluice in any canal;
- (iii) makes any dam or obstruction for the purpose of diverting or opposing the current of a river or canal on the bank whereof there is a flood embankment or refuses or neglects to remove any such dam or obstruction when lawfully required so to do,

XLV of 1860.

shall, when such act shall not amount to the offence of committing mischief within the meaning of the Indian Penal Code, 1860 on conviction before a Magistrate of the First Class, be punished for each of such offences with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both.

39. Whenever any person is convicted under section 37 or 38, the Magistrate may order that he shall remove the obstruction or repair the damage in respect of which the conviction is held, within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, the canal-officer duly empowered in this behalf may remove such obstruction or repair such damage and the cost of such removal or repair, as certified by the said officer, shall be leviable from such person by the Collector, as an arrear of land revenue.

Obstruction to be removed and damage repaired.

40. Any person in-charge of or employed upon any canal may remove from the lands or buildings belonging thereto, or may take into custody without a warrant and take forth with before a magistrate or to the nearest police-station, to be dealt with according to law, any person who within his view,

Person employed on canal may take offenders into custody.

- (i) wilfully damages, obstructs or fouls any canal, or
- (ii) without proper authority interferes with the supply or flow of water in or from any canal or in any river or stream so as to endanger, damage, make dangerous or render less useful any canal.

41. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Act:

Saving of prosecutions under other laws.

Provided that no person shall be punished twice in respect of one and the same act or omission.

Payment of
fine as award
to informant.

42. (1) Whenever any person is fined for an offence under this Act, the Court which imposes such fine, or which confirms in appeal or revision a penalty of such fine, or a sentence of which such fine forms part, may direct that the whole or any part of such fine may be paid by way of award to any person who furnished information leading to the detection of such offence or to the conviction of the offender.

(2) If such fine is awarded by a Court whose decision is subject to appeal or revision, the amount awarded shall not be paid until the period prescribed for presentation of the appeal has lapsed, or if an appeal be presented till the appeal is decided.

CHAPTER VIII

APPEAL

Appeal against
order of canal-
officer.

43. (1) Any person aggrieved by the order of the canal-officer may make an appeal to the Appellate Authority to whom the canal-officer passing the order is subordinate.

(2) No appeal shall be maintainable after the expiry of thirty days from the date on which the order appealed against was communicated to the appellant:

Provided that such appeal may be entertained by the Appellate Authority after the said stipulated period if it is satisfied that there are sufficient reasons for condoning such delay in preferring the appeal.

(3) An appeal shall be made in such manner, to such authority and shall be accompanied with such fees as may be prescribed.

Power of civil
court for certain
purposes.

44. (1) The Appellate Authority under this Act shall have the same powers for the purposes of making inquiries under this Act as are vested in the Court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-

V of 1908.

- (a) enforcing the attendance of any person as a witness and examining him on an oath;
- (b) compelling the production of documents and material objects;
- (c) issuing commissions for the examination of witnesses; and
- (d) proof of facts by affidavits.

(2) All inquiries and appeals under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code, 1860.

XLV of 1860.

Service of
notice.

45. Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed by the officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person therein named. When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no

such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and, if such person has no ordinary place of residence within the district, service of any notice may be made by sending copy of such notice by post in a registered cover addressed to such person at his usual place of residence.

CHAPTER IX MISCELLANEOUS

46. No suit, prosecution or other legal proceedings shall lie against the State Government or any officer or employee of the Government for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rule, notification made or issued thereunder. **Protection of action taken in good faith.**

47. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act. **Power to make rules.**

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the proceedings of any officer who under any provision of this Act, is required or empowered to take action in any matter;
- (b) the matters in which, the officers to whom and the conditions subject to which, the orders and decisions given under any provision of this Act and not expressly provided for as regards appeal, shall be appealable;
- (c) the manner of construction and maintenance of a field-channel under section 15;
- (d) the amount of any charge to be made under this Act;
- (e) form of application, fees to be paid with application, conditions for grant of permission for supply of water under section 16;
- (f) matters under section 24, in which the decision of Appellate Authority shall be final;
- (g) charges payable for unauthorised use of water under section 31;
- (h) charges payable for wastage of water under section 32;
- (i) manner and timelimit of payment of instalments, the authority to whom payment made; rates of interest payable and the period within which interest shall be paid under section 36;
- (j) the manner of appeal, fees and the authority to whom appeal shall lie under section 43;
- (k) any other matter which is or may be provided by rules under this Act.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

- (4) Any rescission or modification made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

CHAPTER X

SPECIAL PROVISIONS REGULATING CONSTRUCTION AND MAINTENANCE OF TUBEWELLS, ARTESIAN WELLS AND BOREWELLS

Definitions. 48. In this Chapter, unless the context otherwise requires,-

- (a) "artesian well" means a well which taps artesian or piestic water having piezometric level above the ground;
- (b) "borewell" means a well drilled in hard rock areas where the bore can stand on its own and where lining by pipes is not necessary; and includes a dug-cum-bore well;
- (c) "ground water" means water under the surface of the earth regardless of the geological structure in which it is stationary or moving and includes all ground water reservoirs;
- (d) "prescribed" means prescribed by rules made under section 57;
- (e) "tubewell" means a deep bore drilled into the ground for the purpose of drawing water through one or series of permeable layers of water bearing strata.

**Areas to which
this Chapter
applies.**

49. (1) The State Government may, by notification in the *Official Gazette*, apply the provisions of this Chapter to such area as may be specified in the notification.

(2) The State Government may, by a like notification, direct that the provisions of this Chapter shall cease to apply to such area on and from such date as may be specified in the notification; and with effect on and from that date, the said provisions shall cease to apply to such area, except as respects things done or omitted to be done before such cesser.

**Regulation of
construction and
maintenance of
tubewells, etc.**

50. Notwithstanding anything contained in the Gujarat Land Revenue Code, 1879 or in any other law for the time being in force, no holder of any land assessed or held for the purpose of agriculture within the meaning of the said Code (hereinafter in this Chapter referred to as "the agricultural land") shall construct, or cause or permit to be constructed, any tubewell, artesian well or borewell, exceeding the depth, as may be prescribed for extracting ground water except under and in accordance with the terms and conditions (including conditions relating to the maintenance of such well) of a licence issued under section 51 and the rules made under section 57. Bom. V of 1879.

Grant of licence.

51. (1) Where a holder of any agricultural land desires to construct therein any tubewell, artesian well or borewell, exceeding the depth as prescribed for extracting ground water, he shall make an application to the canal-officer having jurisdiction for the grant of a licence.

(2) The application under sub-section (1) shall be in such form, shall contain such particulars and shall be accompanied with such fees as may be prescribed.

(3) On receipt of an application made under sub-section (1), the canal-officer may, after making such inquiry as he thinks fit and having regard to the availability and quality of ground water and the density of wells in the area in which the tubewell, artesian well or borewell, as the case may be, is proposed to be constructed and such other relevant factors as the circumstances of the case may require, by order, grant or refuse to grant the licence applied for:

Provided that before refusing to grant the licence, the applicant shall be given a reasonable opportunity of being heard in the matter:

Provided further that where the canal-officer to whom an application has been made under sub-section (1) fails to inform the applicant of his decision on the application within a period of three months from the date of receipt of the application, the licence shall be deemed to have been granted to the applicant.

(4) The licence granted or deemed to have been granted under sub-section (3) shall be in such form as may be prescribed and shall be subject to such terms and conditions as may be specified therein, including conditions relating to the maintenance of the well.

52. Where any tubewell, artesian well or borewell is in existence in an agricultural land at the commencement of this Act and the depth of such well is in excess of depth as prescribed, then the holder of the agricultural land shall, within three months from such commencement, furnish information in respect of the well to the canal-officer having jurisdiction, in such form as may be prescribed and on receipt of the information, the canal-officer shall if he is satisfied that the well was in existence at such commencement, grant to the holder of land a certificate in the prescribed form to the effect that the said well was in existence at such commencement. Regulation of existing tube wells, etc.

53. If the canal-officer is satisfied either on a reference made to him in this behalf or otherwise that- Cancellation of licence.

- (a) any licence granted under section 51 has been obtained by fraud or misrepresentation as to an essential fact, or
- (b) the holder of a licence has, without reasonable cause, failed to comply with the terms and conditions subject to which the licence has been granted, or has contravened any of the provisions of this Chapter or the rules made under section 57,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Chapter, the canal-officer may after giving the holder of the licence an opportunity of showing cause, by order, cancel the licence.

Appeal. 54. (1) Any person aggrieved by an order of the canal-officer made under section 51, 53 or 55, may prefer an appeal to the Appellate Authority against such order within thirty days from the date on which the order was communicated and the decision of the Appellate Authority on such appeal shall be final:

Provided that such appeal may be entertained by the Appellate Authority after the said stipulated period if it is satisfied that there are sufficient reasons for condoning such delay in preferring the appeal.

(2) Every appeal preferred under sub-section (1) shall be made in such manner, to such authority and shall accompanied with such fees as may be prescribed.

**Regulation of
use of water.**

55.(1) No holder of agricultural land in which there is a tubewell, artesian well or borewell, exceeding the depth as prescribed shall allow any water from such well to be used for a purpose other than for the purpose of agricultural or of drinking or to be wasted either through leaky casing, pipe fittings, valves or pumps either above or below the surface or on account of any other reason whatsoever:

Provided that the canal-officer may, subject to any general or special order of the State Government, by order allow such holder to use the water from such well for any purpose other than for the purpose of agriculture or of drinking.

(2) If in the opinion of the canal-officer water from any tubewell, artesian well or borewell exceeding the depth, as prescribed, is used for a purpose other than for the purpose of agriculture or of drinking, without the order of the canal-officer, or is wasted, he may after giving the holder of the agricultural land in which such well is situated, a notice of not less than thirty days, by order required him to close or seal off the well at his expense and in such manner as the canal-officer may specify in such order and the holder of agricultural land shall comply with such order.

(3) Where any holder of agricultural land fails to comply with any order made under sub-section (2), the canal-officer may after giving the holder of the agricultural land due notice in that behalf, enter upon the land and close or seal off the well and the cost incurred therefore shall recoverable from the holder of the land as an arrear of land revenue.

Penalty. 56. If any person contravenes the provisions of section 50 or 52, or the rules made under section 57 in respect of the construction or maintenance of tubewells or any of the terms and conditions specified in a licence granted under section 51 he shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extent to ten thousand rupees or with both.

57.(1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Chapter. **Power to make rules.**

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

- (a) the form of application for grant of licence under sub-section (2) of section 51, the particulars to be contained in such application and the fees to be accompanied with such application;
- (b) the form of licence and terms and conditions for grant of licence under section 51;
- (c) the form for furnishing information by the holder of an agricultural land and the form of certificate under section 52;
- (d) the manner of preferring appeal and the fees payable with such appeal under section 54;
- (e) the depth of the tubewells, artesian wells or borewells which shall not exceed for extracking ground water, and the rules for construction thereof under section 50; and also the terms and conditions for issuance of licence therefore;
- (f) any other matters which is required to be, or may be, prescribed under this chapter.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication:

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rules to be made under this section.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

58. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the removal of the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid as soon as may be after it is made, before the State Legislature.

Power of State
Government to
give directions.

59. The State Government may from time to time, issue such directions not inconsistent with the provisions of this Act, to any canal-officer or other officers, as it may deem fit, for the purpose of carrying out the provisions of this Act, or the rules or orders made thereunder and the officers shall bound by such directions.

Repeal and
savings.

60. (1) The Gujarat Irrigation Act, 1879, in its application to the State of Gujarat is hereby repealed:

Bom. VII
of 1879.

Provided that such repeal shall not affect-

- (a) the previous operation of the said Acts so repealed, or anything duly done or suffered thereunder;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Acts so repealed;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act has not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any notification, order, notice, summon, warrant and proclamation issued, declarations and rules made, water for purposes of canals applied, permissions to take water given, agreement for supply of water made, compensations awarded references to the Collector made, summary decisions taken, water rates and betterment charges levied, list of persons liable to be required to work prepared, irrigation record of rights revised) under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken by or under the corresponding provisions of this Act and shall continue to be in force until superseded by anything done or any action taken under the provisions of this Act.



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EXTRAORDINARY

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2013 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 7 OF 2013.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 30th March, 2013).

AN ACT

further to amend the Gujarat Entertainments Tax Act, 1977.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Entertainments Tax (Amendment) Act, 2013.
- (2) It shall come into force on the 1st April, 2013.

Short title and
commencement.

Amendment of 2.
section 6A of
Guj. 16 of 1977.

In the Gujarat Entertainments Tax Act, 1977, in section 6A, in sub-section (3)-,

Guj. 16 of
1977.

- (1) for clause (a) and the provisos thereunder, the following clause and proviso shall be substituted, namely:-

“(a) Notwithstanding anything contained in clause (a) of sub-section (1) of section 3, every proprietor of an entertainment by video cinema having obtained the licence under the Gujarat Cinemas (Regulation) Act, 2004, shall have an option of payment of tax, subject to conditions specified herein below, at the rates specified in clause (d), to be exercised as provided in clause (b) within ninety days from the date of commencement of the Gujarat Entertainments Tax (Amendment) Act, 2013 and any person who becomes such proprietor thereafter may exercise such option within ninety days from the date on which he becomes such proprietor:

Guj. 21 of
2004.

Guj. 7 of
2013.

Conditions:-

- (1) The rate of admission into the place of entertainment shall not be more than rupees 30 per person,
- (2) There shall not be more than one screen in the place of entertainment,
- (3) The number of seats in the entertainment place shall not be more than 125,
- (4) The exhibition of films to the public in the place of entertainment can be done by using any kind of legitimate technology subject to full compliance of the provisions of the Cinematograph Act, 1952 and the rules made thereunder and the Copyright Act, 1957:

37 of 1952.

14 of 1957.

Provided that an application made under clause (b) may be entertained by the prescribed officer after the expiry of the period specified in this clause if the applicant satisfies the prescribed officer that he had sufficient cause for not making application within such period.”;

- (2) in clause (e), the proviso to sub-clause (i) shall be deleted.



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The following Act of the Gujarat Legislature, having been assented to by the Governor
on the 30th March, 2013 is hereby published for general information.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 8 OF 2013.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 30th March, 2013).

AN ACT

further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as
follows:-

- (1) This Act may be called the Gujarat Electricity Duty (Amendment) Act, 2013.
- (2) It shall come into force on the 1st April, 2013.

Short title and
commencement.

Amendment of 2.
section 2 of Bom.
XL of 1958.

In the Gujarat Electricity Duty Act, 1958 (hereinafter referred to as "the principal Act"), in section 2,-

Bom. XL of
1958.

(1) for sub-clauses (bb) and (c), the following clauses shall be substituted, namely:-

"(bb) "industrial undertaking" means an undertaking engaged predominantly in-

- (i) the manufacture or production of goods, or
- (ii) any job work which results in the manufacture or production of goods,

but does not include an undertaking which manufactures or produces any kind of food or drinks or both meant ordinarily for consumption on the premises of the undertaking.

Explanation I.— "manufacture" with its grammatical variations means change in a non-living physical object or article or thing,-

(a) resulting in transformation of the object or article or thing into a new and distinct object or article or thing having a different name, character and use; or

(b) bringing into existence of a new and distinct object or article or thing with a different chemical composition or integral structure.

Explanation II.— For the purpose of this clause, "premises of the undertaking" includes all premises which are intended for being used for consumption of food or drinks or both.

Explanation III.— For the purpose of this clause, an undertaking engaged in the manufacture or production of goods shall be deemed to be engaged predominantly in the manufacture or production of goods if the gross annual income of such undertaking from such manufacture or production for the accounting year of such undertaking preceding the period in respect of which the duty is levied is greater than the gross annual income of such undertaking for that accounting year from such manufacture or production of goods;

(c) "Licensee" means any person licensed under section 14 of the Electricity Act, 2003 and includes any person who is supplying energy generated by himself;";

36 of 2003.

(2) in clause (cc), the word "office" shall be deleted;

(3) sub-clause (ee) shall be deleted.

3. In the principal Act, in section 3, in sub-section (2),-

Amendment
of section 3 of
Bom. XL of
1958.

3. In the principal Act, in section 3, in sub-section (2),-

Amendment
of section 3 of
Bom. XL of
1958.

(1) in clause (ia), after the words "in the State", the words "including any body corporate constituted by the State Government or the Central Government as the State Government may, by general or special order, specify," shall be inserted;

(2) in clause (v-a), the words "by any person" shall be deleted;

(3) after clause (vii) and *Explanation* thereunder, the following clause and *Explanation* shall be added, namely:-

"(viii) for motive power and lighting in respect of premises used by an additional unit of the industrial undertaking for industrial purpose at different independent and identifiable premises of the existing premises of the industrial undertaking, subject to such terms and conditions, as may be prescribed, for a period of five years from the date -

(a) on which such additional unit of the industrial undertaking begins to manufacture or produce goods for the first time; or

(b) on which such additional unit of the industrial undertaking has begun to manufacture or produce goods for the first time, prior to commencement of the Gujarat Electricity Duty (Amendment) Act, 2013:

Guj. 8 of
2013.

Provided that no additional unit of the industrial undertaking shall be entitled for exemption from payment of electricity duty under this clause, unless it has obtained a certificate regarding eligibility for such exemption in the prescribed form by making an application in such form, within such period and to such officer as may be prescribed.

Explanation.- For the purpose of this clause "additional unit of the industrial undertaking" means any industrial undertaking which-

(a) is not formed by the splitting up or the reconstruction of a business or undertaking already in existence in the State; or

(b) is not formed by transfer to a new business or undertaking of a building, machinery or plant previously used in India for any industrial purpose, of such value in relation to total value of the aforesaid investments, as the State Government may, by notification in the *Official Gazette*, specify."

Amendment
of section 12
of Bom. XL
of 1958.

4. In the principal Act, in section 12, in sub-section (2),-

(i) for clause (a-2), the following clause shall be substituted, namely:-

“(a-2) prescribe the terms and conditions subject to which the new industrial undertaking under clause (vii) and the additional unit of the industrial undertaking under clause (viii) of sub-section (2) of section 3 shall be entitled for exemption from payment of electricity duty;”;

(ii) in clause (a-1), after the word, brackets and letters “clause (vii)”, the words, brackets and letters “and clause (viii)” shall be inserted.

Amendment
of Schedule I
to Bom. XL
of 1958.

5. In the principal Act, in Schedule I, -

(1) for the existing PART I, the following shall be substituted, namely:-

“PART I		
(1)	For energy consumed by a consumer in respect premises used for residential and educational purposes-	
	(a) in rural areas;	7.50 per cent. of consumption charges;
	(b) in urban areas.	15 per cent. of consumption charges.
<p>Explanation.- “Educational purpose” means the purpose of imparting education by an approved school as defined in clause (2) of section 2 of the Gujarat Primary Education Act, 1947, a recognised school or a registered school as defined in clause (q) or, as the case may be, clause (s) of section 2 of the Gujarat Secondary and Higher Secondary Education Act, 1972 or a University established by a law for the time being in force in the State, or a College affiliated to, or an institution recognised or approved by, such University.</p>		
(2)	For energy consumed by Hostels for students-	
	(a) in rural areas;	7.50 per cent. of consumption charges;
	(b) in urban areas.	11.25 per cent. of consumption charges.
(3)	For energy consumed by an industrial undertaking, other than energy consumed in respect of any of its premises used for residential purposes-	
	(a) where an industrial undertaking consumes high tension energy;	15 per cent. of consumption charges;

Bom. LXI of
1947.

Guj. 18 of
1973.

	(b) where an industrial undertaking consumes exclusively low tension energy.	10 per cent. of consumption charges.
Explanation I.- Any energy consumed by an industrial undertaking for installation of any additional plants, machineries and equipments of such industrial undertaking shall be construed as energy consumed by such industrial undertaking.		
Explanation II.- For the purpose of this item- (a) "high tension energy" means any energy supplied, the voltage of which exceeds 650 volts under normal conditions; (b) "low tension energy" means any energy supplied, the voltage of which does not exceed 650 voltage under normal conditions.		
(4)	For energy consumed in respect of any premises not falling under any of the items (1), (2) and (3) above.	25 per cent. of consumption charges.
Explanation.- For the purposes of this PART, the expression "consumption charges" means the charges payable by a consumer to a licensee but shall not include any of the following charges, namely:- (i) Meter charges; (ii) Interest on delayed payment; (iii) Fuse-off call charges and reconnection charges; (iv) the losses of energy sustained in transmission or transformation by a licensee or person before supply to a consumer: Provided that- (a) where no energy has been consumed by a consumer, minimum charges payable by him shall not be deemed to be consumption charges; (b) where the units of energy actually consumed by a consumer are less than the units of energy for which, prescribed minimum charges are payable "consumption charges" shall, in the case of such consumer, mean the charges for the units of energy actually consumed by him and not the prescribed minimum charges; (c) where any person supplies electrical energy to any other person (hereinafter referred to as "the receiving person"), the charges payable by the receiving person for such quantum of power to the distribution licensee under section 14, who is engaged in the business of supplying energy within the area where the receiving person is located, shall be deemed to be consumption charges for such supply of energy.";		

(2) in PART II, in clause (i), for the words "service undertaking", the words "additional unit of the industrial undertaking" shall be substituted.

6. In the principal Act, in Schedule II,-

Amendment of
Schedule II to
Bom. XL of 1958.

(1) for the existing PART I, the following shall be substituted, namely:-

"PART I		
(1)	For energy consumed by a consumer in respect premises used for residential and educational purposes-	
	(a) in rural areas;	10 paise per unit
	(b) in urban areas.	20 paise per unit
Explanation: "Educational purpose" means the purpose of imparting education by an approved school as defined in clause (2) of section 2 of the Gujarat Primary Education Act, 1947, a recognised school or a registered school as defined in clause (g) or, as the case may be, clause (s) of section 2 of the Gujarat Secondary and Higher Secondary Education Act, 1972 or a University established by a law for the time being in force in the State, or a College affiliated to, or an institution recognised or approved by, such University.		
(2)	For energy consumed for the use of- (a) (i) hall or (ii) auditorium used for commercial purpose or let out for any purpose, or (b) (i) cinema house or (ii) theatre.	25 paise per unit.
(3)	For energy consumed by hotels including residential hotels, restaurants, eating houses and lodging and boarding houses.	30 paise per unit.
(4)	For energy consumed by an industrial undertaking other than energy consumed in respect of any of its premises used for residential purposes.	55 paise per unit.
Explanation.- Any energy consumed by the industrial undertaking for installation of additional plants, machineries and equipment of such industrial undertaking shall be construed as energy consumed by the industrial undertaking.		
(5)	For energy consumed in respect of any premises not falling under any of the items (1) to (4) above.	40 paise per unit.
Explanation.- For the purposes of this PART, in determining the units of energy consumed, the losses of energy sustained in transmission or transformation by a licensee or any person who generates energy, before supply to a consumer, shall be excluded.";		

Bom. LXI of
1947.

Guj. 18 of
1973.

(2) in PART II, in clause (i), for the words "service undertaking", the words "additional unit of the industrial undertaking" shall be substituted.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 30th March, 2013, is hereby published for general information.

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 9 OF 2013.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 30th March, 2013).

AN ACT

further to amend the Gujarat Value Added Tax Act, 2003.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Value Added Tax (Amendment) Act, 2013. Short title and commencement.

(2) It shall come into force on the 1st April, 2013.

Guj.1 of 2005. 2. In the Gujarat Value Added Tax Act, 2003 (hereinafter referred to as "the principal Act"), in section 7, in sub-section (1A), in clause (i), after the words "serial numbers", the figures and letter "19A," shall be inserted. Amendment of section 7 of Guj.1 of 2005.

Amendment of section 9 of Guj.1 of 2005. 3. In the principal Act, in section 9, in sub-section (6), in clause (i), after the words "serial numbers", the figures and letter "19A," shall be inserted.

Amendment of section 11 of Guj. 1 of 2005. 4. In the principal Act, in section 11, after sub-section (7), the following sub-section shall be inserted, namely:-

"(7A) Notwithstanding anything contained in this section, in no case the amount of tax credit on any purchase of goods shall exceed the amount of tax in respect of the same goods, actually paid, if any, under this Act or any earlier law, into Government treasury:

Provided that, where purchase tax is shown as payable in the return by the claimant dealer on the purchase of the said goods effected by him, it shall be deemed to have been paid into Government treasury for the purpose of this sub-section:

Provided further that, where the tax levied or leviable under this Act or any earlier law is remitted or to be remitted or, deferred or is deferrable under any tax incentive scheme granted by the Government of Gujarat, then the tax shall be deemed to have been paid into the Government treasury for the purpose of this sub-section."

Amendment of section 14 of Guj.1 of 2005. 5. In the principal Act, in section 14, in sub-section (1),-

- (i) in clause (a), for the words "fifty lakhs", the words "seventy- five lakhs" shall be substituted;
- (ii) in clause (b), for the words "fifty lakhs", occurring at two places, the words "seventy-five lakhs" shall be substituted.

Amendment of section 34 of Guj.1 of 2005. 6. In the principal Act, in section 34, after sub-section (8), the following sub-section shall be inserted, namely:-

"(8A)(a) During the course of any proceedings under this Act, if the prescribed authority is satisfied that the tax has been evaded or sought to be evaded or the tax liability has not been disclosed correctly or excess tax credit has been claimed by any dealer in respect of any period or periods by not recording or recording in an incorrect manner, any transaction of sale or purchase, or that any claim has been incorrectly made, then in such a case notwithstanding any notice for assessment has been issued under other provisions of this section or any other section of this Act, the prescribed authority may, after giving such dealer a reasonable opportunity of being heard, initiate assessment of the dealer in respect of such transaction or claim:

Provided that where such proceedings are under section 73 or section 75, the prescribed authority shall transfer the proceedings relating to such transaction or claim directing the concerned assessing authority to assess the dealer in respect of such transaction or claim:

Provided further that the prescribed authority shall, notwithstanding anything contained in section 17, be deemed to have the requisite jurisdiction and power to assess such dealer in respect of such transaction of sale or purchase or claim, covered by clause (a) and such assessment proceedings shall, for all purposes of this Act, be deemed to have been transferred to such authority.

(b) The assessment proceedings under this sub-section shall be without prejudice to the assessment proceedings in respect of the said period or periods under any other provisions of this Act by any authority who otherwise has the jurisdiction to assess such dealer in respect of other transactions of sale or purchase or any other claim.

(c) The assessment under this sub-section shall be made separately in respect of the transaction or claim relating to the said period or periods to the best of the judgment of the prescribed authority where necessary and irrespective of any assessment made under this sub-section, the dealer may be assessed separately under the other provisions of this section in respect of the said period or periods:

Provided that, once the dealer is assessed under this sub-section, no tax from such transaction or claim and penalty and interest, if any, shall be levied or demanded from such dealer, at the time of assessment to tax under the other provisions of this section in respect of the said period or periods relating to such transaction or claim.

Explanation.- For the purpose of this sub-section, "prescribed authority", "the said authority", "such authority" and "any authority" shall mean, the Commissioner or, as the case may be, the authorities appointed under section 16 and other officers or persons to whom the Commissioner has delegated his power in this behalf."

Amendment of
Schedule II to
Guj.1 of 2005.

7.

In the principal Act, in Schedule II, -

- (1) after the entry at serial No. 19, the following entry shall be inserted,
namely:-

1	2	3
"19A"	Cigarette made from tobacco.	Twenty-seven and a half paise in the rupee";

- (2) in the entry at serial No. 41, after the word "DEPB", the words "carbon credit" shall be added;

- (3) in the entry at serial No. 76A, the word "cigarette" shall be deleted.



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PART IV

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C. J. GOTHIL,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 10 OF 2013.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 30th March, 2013).

AN ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2014.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2013.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum one lakh fourteen thousand four hundred fifty crores, forty-one lakhs, twenty-two thousands rupees towards defraying the several charges which will come in course of payment during the financial year 2013-2014, in respect of the services and purposes specified in column 2 of the Schedule.

Withdrawal of
₹ 11,44,50,41,22,000
from and out of the
Consolidated Fund of
State of Gujarat for the
financial year 2013-
2014.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

SCHEDULE

(See sections 2 and 3)

Demand No. Voted/ Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
1	Agriculture and Co-operation Department	Revenue	201176000		201176000
		Capital	11000000		11000000
2	Agriculture	Revenue	24325367000		24325367000
		Capital	144100000		144100000
3	Minor Irrigation, Soil Conservation and Area Development	Revenue	874125000		874125000
		Capital	1858500000		1858500000
4	Animal Husbandry and Dairy Development	Revenue	4223325000		4223325000
5	Co-operation	Revenue	2393584000		2393584000
		Capital	190702000		190702000
6	Fisheries	Revenue	1599304000		1599304000
		Capital	339900000		339900000
7	Other expenditure pertaining to Agriculture and Co-operation Department	Capital	4000000		4000000
8	Education Department	Revenue	92752000		92752000
9	Education	Revenue	148913776000	1931000000	150844776000
		Capital	8118307000		8118307000
10	Other expenditure pertaining to Education Department	Revenue	16986000		16986000
		Capital	415010000		415010000
11	Energy and Petro-Chemicals Department	Revenue	50858000		50858000
12	Tax Collection Charges (Energy and Petrochemicals Department)	Revenue	223549000		223549000
13	Power Projects	Revenue	35982500000		35982500000
		Capital	12418700000		12418700000
14	Other expenditure pertaining to Energy and Petro-Chemicals Department	Revenue	5800000		5800000
		Capital	5501400000		5501400000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3			
15	Finance Department	Revenue	197675000		197675000
16	Tax Collection Charges (Finance Department)	Revenue	2421052000		2421052000
17	Treasury and Accounts Administration	Revenue	1249936000		1249936000
18	Pension and other Retirement Benefits.	Revenue	58131240000	4000000	58135240000
19	Other expenditure pertaining to Finance Department	Revenue	40780790000		40780790000
		Capital	11300000	100000	11400000
20	Repayment of Debt pertaining to Finance Department and its servicing	Revenue		131406584000	131406584000
		Capital		62178262000	62178262000
21	Food, Civil Supplies and Consumer Affairs Department	Revenue	261524000		261524000
22	Civil Supplies	Revenue	2622422000		2622422000
23	Food	Revenue	1230428000		1230428000
		Capital	266043000		266043000
24	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	1100000		1100000
25	Forest and Environment Department	Revenue	111835000		111835000
26	Forest	Revenue	3315615000	1550000	3317165000
		Capital	2975529000		2975529000
27	Environment	Revenue	200000000		200000000
28	Other expenditure pertaining to Forest and Environment Department	Capital	5500000		5500000
29	Governor	Revenue		55995000	55995000
30	Council of Ministers	Revenue	39142000		39142000
31	Election	Revenue	844493000		844493000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
32	Public Service Commission	Revenue	68307000	96475000	164782000
33	General Administration Department	Revenue	1111629000		1111629000
34	Economic Advice and Statistics	Revenue	681585000		681585000
35	Other expenditure pertaining to General Administration Department	Revenue	185630000	12140000	197770000
		Capital	8279560000		8279560000
36	State Legislature	Revenue	232605000	2750000	235355000
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	3407000		3407000
38	Health and Family Welfare Department	Revenue	114364000		114364000
39	Medical and Public Health	Revenue	26278704000		26278704000
		Capital	13725795000		13725795000
40	Family Welfare	Revenue	4939516000		4939516000
		Capital	183433000		183433000
41	Other expenditure pertaining to Health and Family Welfare Department	Capital	5500000		5500000
42	Home Department	Revenue	174003000		174003000
43	Police	Revenue	29121354000		29121354000
44	Jails	Revenue	895812000		895812000
45	State Excise	Revenue	134082000		134082000
46	Other expenditure pertaining to Home Department	Revenue	640146000	5000000	645146000
		Capital	5055121000		5055121000
47	Industries and Mines Department	Revenue	104975000		104975000
48	Stationery and Printing	Revenue	602654000		602654000
		Capital	48200000		48200000
49	Industries	Revenue	8919595000		8919595000
		Capital	9770450000		9770450000
50	Mines and Minerals	Revenue	1342330000		1342330000
		Capital	109500000		109500000
51	Tourism	Revenue	193248000		193248000
		Capital	4759400000		4759400000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
52	Other expenditure pertaining to Industries and Mines Department	Revenue	528111000		528111000
		Capital	638700000		638700000
53	Information and Broadcasting Department	Revenue	21103000		21103000
54	Information and Publicity	Revenue	887271000		887271000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	73588000		73588000
		Capital	2600000		2600000
56	Labour and Employment Department	Revenue	102631000		102631000
57	Labour and Employment	Revenue	4563541000		4563541000
		Capital	683563000		683563000
58	Other expenditure pertaining to Labour and Employment Department	Capital	3250000		3250000
59	Legal Department	Revenue	107946000		107946000
60	Administration of Justice	Revenue	8149728000	796285000	8946013000
61	Other expenditure pertaining to Legal Department	Revenue	468975000		468975000
		Capital	17700000		17700000
62	Legislative and Parliamentary Affairs Department	Revenue	79330000		79330000
63	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	750000		750000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	199700000		199700000
65	Narmada Development Scheme	Capital	48441159000		48441159000
66	Irrigation and Soil Conservation	Revenue	9020795000	2500000	9023295000
		Capital	27635395000	20000000	27655395000
67	Water Supply	Revenue	974400000		974400000
		Capital	10080000000		10080000000
68	Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue		300000000	300000000
		Capital	11000000		11000000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
69	Panchayats, Rural Housing and Rural Development Department	Revenue	94991000		94991000
70	Community Development	Revenue	11243291000		11243291000
71	Rural Housing and Rural Development	Revenue	11669498000	1707500000	13376998000
72	Compensation and Assignments	Revenue	1252179000		1252179000
73	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	5002320000		5002320000
		Capital	64817000		64817000
74	Transport	Revenue	7043666000		7043666000
		Capital	4570000000		4570000000
75	Other expenditure pertaining to Ports and Transport Department	Revenue	674032000		674032000
		Capital	1818517000		1818517000
76	Revenue Department	Revenue	370582000		370582000
77	Tax Collection Charges (Revenue Department)	Revenue	3526306000		3526306000
78	District Administration	Revenue	4609699000		4609699000
79	Relief on account of Natural Calamities	Revenue	11689456000		11689456000
		Capital	1250000000		1250000000
80	Dangs District	Revenue	449417000		449417000
81	Compensation and Assignments	Revenue	461975000	900000	462875000
		Capital	1100000	200000	1300000
82	Other expenditure pertaining to Revenue Department	Revenue	36726000		36726000
		Capital	2610000		2610000
83	Roads and Buildings Department	Revenue	153239000		153239000
84	Non-Residential Buildings	Revenue	5910348000	5200000	5915548000
		Capital	16143212000		16143212000
85	Residential Buildings	Revenue	1640494000		1640494000
		Capital	1649768000		1649768000
86	Roads and Bridges	Revenue	26308518000	21000000	26329518000
		Capital	18370794000	19000000	18389794000
87	Gujarat Capital Construction Scheme	Revenue	160892000		160892000
		Capital	2192000000		2192000000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2		3		
88	Other expenditure pertaining to Roads and Buildings Department	Revenue	166742000	100000000	266742000
		Capital	63800000		63800000
89	Science and Technology Department	Revenue	315584000		315584000
90	Other expenditure pertaining to Science and Technology Department	Revenue	1391463000		1391463000
		Capital	360808000		360808000
91	Social Justice and Empowerment Department	Revenue	58421000		58421000
92	Social Security and Welfare	Revenue	9429103000	15000000	9444103000
		Capital	135380000		135380000
93	Welfare of Scheduled Tribes	Revenue	2052464000		2052464000
		Capital	83100000		83100000
94	Other expenditure pertaining to Social Justice and Empowerment Department	Capital	2100000		2100000
95	Scheduled Castes Sub-Plan	Revenue	20837423000	1000	20837424000
		Capital	7669880000		7669880000
96	Tribal Area Sub-Plan	Revenue	49346518000	50000000	49396518000
		Capital	28273811000	10000000	28283811000
97	Sports, Youth and Cultural Activities Department	Revenue	59590000		59590000
98	Youth Services and Cultural Activities	Revenue	2529206000		2529206000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	1156000		1156000
100	Urban Development and Urban Housing Department	Revenue	52025000		52025000
101	Urban Housing	Revenue	8151280000	1077420000	9228700000
102	Urban Development	Revenue	50896820000		50896820000
		Capital	10160000000		10160000000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue / Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3			
103	Compensation, Assignment and Tax Collection Charges	Revenue	1282000000	300000000	1582000000
104	Other expenditure pertaining to Urban Development and Urban Housing Department	Revenue	3780000		3780000
		Capital	1100000		1100000
105	Women and Child Development Department	Revenue	27940000		27940000
106	Other expenditure pertaining to Women and Child Development Department	Revenue	16586505000	6000000	16592505000
		Capital	-2034100000		2034100000
1	2	3			
107	Climate Change Department	Revenue	8228000		8228000
108	Other expenditure pertaining to Climate Change Department	Revenue	1096000000		1096000000
	Total:	Revenue	687815633000	137897300000	825712933000
		Capital	256563627000	62227562000	318791189000
	Grand Total:		944379260000	200124862000	1144504122000



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LIV] MONDAY, APRIL 1, 2013/CAITRA 11, 1935

Separate paging is given to this Part in order that it may be filed as a Separate
Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to
by the Governor on the 1st April, 2013, is hereby published for general
information.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department

GUJARAT ACT NO. 11 OF 2013.

(First published, after having received the assent of the Governor, in
the "Gujarat Government Gazette", on the 1st April, 2013).

AN ACT

to make effective provisions for the fire prevention, safety and protection of
life and property, in various types of buildings and temporary structures or
shamiyana or tents or mandap likely to cause a risk of fire in different areas in
the State of Gujarat and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to make effective provisions for the fire
prevention, safety and protection of life and property in various types of
buildings and temporary structures or *shamiyana* or tents or *mandap* likely to
cause a risk of fire, in different areas in the State of Gujarat, fire service fee,
constitution of a special fund and for the purposes connected therewith or
incidental thereto;

It is hereby enacted in the Sixty-Fourth Year of the Republic of India
as follows:-

CHAPTER I PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Gujarat Fire Prevention and Life Safety Measures Act, 2013.

(2) It extends to whole of the State of Gujarat.

(3) It shall come into force in any area on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different areas and for different provisions of the Act.

Definitions. 2. (1) In this Act, unless the context otherwise requires, —

(a) “**building**” shall have the meaning assigned to it in the GDCR or relevant law or any law for the time being in force in the area in which this Act is in force; and includes places or premises comprising land or building, or part of a land or building, outhouses, if any, appertaining to such building or part thereof and petrol, diesel or gas lines, communication lines, power installations or pumps, whether authorized or otherwise;

(b) “**building bye-laws**” means the building bye-laws, rules or regulations made under any relevant law and includes GDCR or regulations, by whatever name they are called, or any other building rules or regulations made under any other law for the time being in force and are in operation in the area in which this Act is in force;

(c) “**Chief Fire Officer**” means a person as classified under section 10;

(d) “**Commissioner**” shall have the meaning assigned to it in clause (9) of section 2 of the Gujarat Provincial Municipal Corporations Act, 1949; Bom. LIX of 1949.

(e) “**Director**” means a person appointed under section 6;

(f) “**disaster**” shall have the meaning assigned to it in clause (h) of section 2 of Gujarat State Disaster Management Act, 2003; Guj. 20 of 2003.

(g) “**emergency services**” means services required to be rendered in case of manmade or natural disaster or any eventuality where the life is at risk;

(h) “**erector**” means a person or an association of persons, whether corporate or otherwise, who erects or makes a *shamiyana* or tents or *mandap* or any structure for occupation of people on a regular or temporary basis;

- (i) **"fees"** means fees levied under section 30;
- (j) **"fire division"** means a territory comprising such number of fire sub-divisions as may be prescribed; and declared generally or specially by the State Government to be a fire division for the purpose of this Act;
- (k) **"fire prevention and life safety measures"** means such measures as are necessary in accordance with the building bye-laws or as required by or under the provisions of any law or the National Building Code of India, for the time being in force, for the prevention, control and fighting of fire and for ensuring the safety of life and property in case of fire;
- (l) **"fire region"** means territory comprising such number of fire divisions as may be prescribed and declared generally or specially by the State Government to be a fire region for the purpose of this Act;
- (m) **"fire safety officer"** means a person appointed under section 12 of this Act as the Fire Safety Officer by the owners and occupiers of certain premises and buildings as specified in this behalf to ensure fire prevention and fire safety measures installed in such premises and buildings;
- (n) **"Fund"** means fund constituted under section 32;
- (o) **"GDCR"** means the General Development Control Regulations made under clause (m) of sub-section (2) of section 12 of Gujarat Town Planning and Urban Development Act, 1976; President's Act
No. 27 of 1976.
- (p) **"Licensed Agency"** means a person or an association of persons licensed under sub-section (1) of section 28;
- (q) **"Housing Society"** includes all registered residential and non-residential or mixed housing societies, association of owners or co-owners of flat occupancy, building premises and associations of owners as defined under the Gujarat Ownership of Flats Act, 1973; Guj. 13
of 1973.
- (r) **"local authority"** means a municipal corporation, nagar panchayat, municipality, district panchayat, taluka panchayat, gram panchayat, notified area committee or cantonment board constituted under relevant local authority law;

- (s) **"Local Fire service"** means the local fire service as may be notified by the State Government under section 3.
- (t) **"National Building Code of India"** means the book or books containing Fire Prevention and Life Safety Measures to be implemented in the buildings, places, premises, workshops, warehouses and industries, published from time to time by the Bureau of Indian Standards;
- (u) **"nominated officer"** means an officer possessing the prescribed qualifications and nominated by the Director or the Regional Fire Officer or the Chief Fire Officer to perform duties and functions laid down under this Act;
- (v) **"occupancy"** means the principal occupancy for which a building or a part of a building is used or intended to be used including subsidiary occupancies which are contingent upon it;
- (w) **"occupier"** shall have the meaning assigned to it in clause (xvi) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976; President Act No. 27 of 1976.
- (x) **"owner"** shall have the meaning assigned to it in clause (xvii) of section 2 of the Gujarat Town Planning and Urban Development Act, 1976 and shall also include the housing society; President Act No. 27 of 1976.
- (y) **"premises"** means any land or any building or part of a building and includes the garden ground and outhouse, if any, appertaining building or part of a building; and any land or any building or part of a building appurtenant thereto which is used for storing explosives explosive substance and dangerously inflammable substance;
- (z) **"prescribed"** means prescribed by rules made under section 57;
- (za) **"Regional Fire Officer"** means a person appointed under section 8;
- (zb) **"regulations"** means regulations made by the Director under section 58;
- (zc) **"shamiyana or tents or mandap"** means a temporary structure with roof or walls made of straw, hay, ulu grass, golpatta, hogla, darma, mat, canvas, cloth or other like material which is not adopted for permanent or continuous occupancy.

President Act
No. 27 of 1976.

Guj. 20 of
2003.

(2) Words and expressions used in this Act but not defined shall have the meaning assigned to them in the Gujarat Town Planning and Urban Development Act, 1976 or the Gujarat State Disaster Management Act, 2003 or any other law relating to local authorities, as the case may be, and the rules made thereunder.

CHAPTER II

ORGANIZATION, SUPERINTENDENCE, CONTROL AND MAINTAINANCE OF FIRE SERVICE

3. (1) There shall be one State fire service for the whole of the State and all officers and subordinate ranks of the fire service shall be liable for the posting to any office of the fire service: One fire service for whole of State.

Provided that, the State Government may, by notification in the *Official Gazette*, declare any Fire Brigade or any other Local Fire Service of any local authority of the State, by whatever name called, that the same shall form or shall not form the part of State Fire Service at any time:

Provided further that, this provision shall not apply to the private fire services maintained for providing fire protection coverage to specific building or industry by the owner or occupier thereof.

(2) Notwithstanding anything contained in this Act or any other law for the time being in force relating to the local authorities, the State Government may, by notification in the *Official Gazette*, declare the services relating to any fire brigade or fire prevention a part of State Fire Service with effect from such date as may be specified in the notification.

(3) Upon such declaration under sub-section (2),-

- (i) the officers and employees responsible for providing the fire services in the areas of such local authority, shall be deemed to have been absorbed in the State Fire Service, subject to such terms and conditions as may be notified;
- (ii) terms and conditions applicable to the employees after such absorption shall be such as may be decided by the State Government,
- (iii) all proceeding pending before any fire officer, immediately before the declaration, be deemed to be proceeding pending before him in his capacity as the holder of the office to which he is deemed to be appointed under sub-clause (2),

- (iv) all assets, rights and liabilities relating to the fire services of such local authorities shall stand transferred to the State Fire Service, subject to such terms and conditions as the State Government may deem fit,
- (v) the State Government may take such necessary actions as it deems fit.

Superintendence
of Fire Service to
vest in State.

4. The superintendence of, and control over, the Fire Service throughout the State shall vest in the State Government and the Fire Service shall be administered by the State Government in accordance with the provisions of this Act and of any rules made thereunder through such fire officers as the State Government may, from time to time, appoint in this behalf.

Constitution and
classification of
Fire Service.

5. (1) Subject to the provisions of this Act, the State fire service shall consist of such number of staff in several ranks and have such organisation and have such powers, functions and duties as the State Government may, by general or special order, determine.

(2) The State Government may prescribe by rules, -

- (a) the different posts of the State Fire Service;
- (b) the mode of recruitment of staff, grade of post, the qualification, pay, allowances and other conditions of service of the officers and other staff engaged therein and matters connected therewith;

(3) The State Government may, by notification in the *Official Gazette*, review the existing pattern of the existing different fire services in the State and if deem fit may modify:

Provided that, for local fire services the rules framed under this sub-section may not include mode of recruitment of staff, pay, allowances and matters connected therewith.

(4) Save as otherwise provided by or under this Act, every person holding office either as a Chief Fire Officer or Fire Officer or staff or an employee (by whatever designation called) on an existing Fire Brigade or Fire Service of any authority on the date immediately before the commencement of this Act shall continue to hold office on the same terms and conditions as were applicable to him immediately before such date and shall exercise such powers and perform such duties as before and in addition to those as are conferred on them by or under this Act.

Appointment of
Director.

6. (1) The State Government shall appoint a person to be the Director and such other officers and staff as may be necessary from time to time to assist the Director while exercising the powers or discharging the duties or functions conferred under this Act or the rules made thereunder.

(2) The jurisdiction of the Director so appointed shall extend to the entire State in matters relating to fire services.

(3) Subject to the control, directions and superintendence of the State Government, the Director shall exercise such powers and perform such duties as are conferred and imposed upon him by this Act or the rules made thereunder.

7. (1) Without prejudice to the provisions of sub-section (3) of section 6, the Director shall, - Powers, duties and functions of Director.

- (i) function as the Head of Department in the office of the Director;
- (ii) subject to the rules made in this behalf, the Director may appoint subordinate staff only on the recommendations of the Gujarat State Subordinate Services Selection Board on such terms and conditions of salaries and allowances as may be fixed by the State Government;
- (iii) keep liaison with the Central Government and the State Government offices for the development of fire services;
- (iv) frame the policies in relation to the development of fire services in the State and, on approval by the State Government, take steps to implement the same;
- (v) exercise superintendence and control over all authorities in the matters relating to fire prevention and fire safety measures; and subject to the approval of the State Government, issue such directions to any authority in respect of fire services maintained or required to be maintained by them;
- (vi) represent the State Government on National and International forums with a view to updating the standard of fire services in the State;
- (vii) prepare and submit plans and proposals to the State Government with regard to the periodical review of fire equipment, fire property and fire manpower for effective implementation of fire services by the authorities;
- (viii) take or cause to be taken such effective steps and measures in cases of major fires, house collapse and other emergency services;
- (ix) investigate or cause to be investigated the cause of fire and advise the authorities for implementing fire precautionary measures;

- (x) advise the State Government to set up additional Fire Training Centre or Centres for imparting training to the officers and staff of local authorities so as also to cater to the need of the various factories, commercial and mercantile establishments in the private sector and to impart training to officers and the staff or to provide them the trained and qualified fire service personnel;
 - (xi) requisite fire-fighting equipment of any authority or any institution or individual, which in his opinion is required for the purpose of extinguishing fire in any area ; and to determine the amount of compensation payable in respect of such equipment of in the area of which authority, such fire operation is required to be carried out;
 - (xii) exercise such other powers and perform such other duties and functions as may be conferred, imposed or allotted to him by or under the provisions of this Act.
- (2) The Director, with the approval of the State Government, direct and regulate all matters of firefighting equipment, machinery and appliances, training, observation of persons and events mutual relations, distribution of duties, study of laws, orders and modes of proceedings and all matters of executive detail or the fulfillment of duties and maintenance of discipline of fire officers and members of the Fire Service under him.
- (3) The Director shall appoint such number of officers and employees as may be necessary to assist any Fire Officer of the State Fire Services, while exercising his powers or discharging his duties or functions under this Act or the rules made there under.
- (4) When the Director is informed, on a complaint made or otherwise that default has been made in the performance of any duty imposed on an authority by or under this Act or by or under any enactment in relation to firefighting measures or operations for the time being in force, the Director, if satisfied after due inquiry, that the alleged default has been made, may, by order, fix a period for the performance of that duty and communicate such order to the authority.
- (5) If the duty is not performed within the period so fixed, the Director may appoint such other person to perform it, and may direct that the expenses of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the person or the authority, as the case may be.
- (6) If the expense and remuneration are not so paid, the Director may make an order directing the bank in which any moneys of the person or the authority are deposited or the person in-charge of the local Government Treasury or of any other place of security in which the moneys of the authority

are deposited, to pay such expenses and remuneration from such moneys as may be standing to the credit of the authority in such bank or may be in the hands of such person or as may, from time to time, be received from or on behalf of the authority by way of deposit by such bank or person, and such bank or person shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the authority in respect of any sum or sums so paid by it or him out of the moneys of the authority so deposited with such bank or person.

(7) The Director or any Fire Officer, authorised by general or special order in this behalf, may, for the purpose of discharging his duties under this Act, require the owner or occupier of any building or other property as may be specified to supply information with respect to the character of such building or other property as may be specified, the available water supplies and means of access thereto, any other material particulars, and such owner or occupier shall furnish all the information in his possession.

(8) The Director may, with the previous sanction of the State Government, enter into an agreement with any fire service or the authority which maintains the said fire service, beyond the limits of any area in which this Act is in force for providing personnel or equipment or both, for firefighting purpose on such terms and conditions as may be provided by or under the agreement on reciprocal basis in public interest.

(9) The Director may, with the previous sanction of the State Government, enter into arrangements with any person or organisation who employs and maintains personnel or equipment or both, for firefighting purposes, to secure, on such terms as to payment or otherwise as may be provided by or under the arrangements, the provision by that person or organization for assistance for the purpose of dealing with fire occurring in any area in which this Act is in force.

8. (1) For the purpose of providing adequate number of officers and staff for meeting the needs of fire services, having regard to the population, potential fire hazards in certain industries and large commercial and mercantile establishments and buildings and the number of fire stations required to be provided for and maintained, the State Government may, for the purpose of securing fire prevention and life safety measures within the State, by notification in the *Official Gazette*, constitute as many fire regions as it deems fit.

Constitution of
fire region.

(2) Every notification issued under sub-section (1) shall define the limits of the region to which it relates.

(3) The State Government shall, for each fire region, appoint a person to be the Regional Fire Officer.

(4) Subject to the control, direction and superintendence of the Director, the Regional Fire Officer, shall exercise such powers and perform such duties as are conferred and imposed upon him by this Act or the rules made thereunder or orders issued in this behalf.

(5) Without prejudice to the provisions of sub-section (4), the Regional Fire Officer shall, -

- (i) function as the Head of the Fire region;
- (ii) prepare the fire management plan for the region.

(6) The qualifications for appointment and other conditions of service of the Officer, appointed under sub-section (3) shall be such as may be prescribed.

Division of fire
region into fire
divisions.

9. The State Government may, by notification in the *Official Gazette*, divide each fire region into such fire divisions as may be specified in the notification. The fire divisions may comprise of the area of one or more local authority. The fire division may also be further divided into fire stations and define their boundaries as may be necessary for administrative and operational efficiency.

Appointment of
Fire Officers.

10. (1) For the purposes of this Act, the State Government may appoint, for each,-

- (a) fire division, a person as the Divisional Fire Officer,
- (b) fire station, a person as the Station Fire Officer.

(2) The qualifications for appointment and other conditions of service of the Officers, appointed under sub-section (1) shall be such as may be prescribed.

(3) For the purposes of this Act, the State Government may for each Local Fire Services,-

- (a) classify the category of Chief Fire Officer taking into consideration the population and class of local authority or authority or such other factors as may be prescribed;
- (b) prescribe the norms and qualifications of the each category of Chief Fire Officer;

(4) Subject to sub-section (3), the State Government may by an order direct the local authority or the authority, as the case may be, to appoint a person to be the Chief Fire Officer.

Powers, duties
and functions of
Fire Officers.

11. (1) Subject to the control, directions and superintendence of the Director, the Regional Fire Officer or the Chief Fire Officer appointed under sub-section (3) of section 8 and under section 10 respectively, shall exercise such powers and perform such duties as are conferred and imposed upon him by this Act or rules or orders made thereunder.

(2) Without prejudice to the provisions of sub-section (1), in case of fire prevention and disaster, the Regional Fire Officer or the Chief Fire Officer, as the case may be, for their jurisdiction shall in case of any fire or emergency act as commanding officer for that event and all other fire services engaged shall work under him.

(3) Without prejudice to the provisions of sub-sections (1) and (2), the Regional Fire Officer or the Chief fire officer, as the case may be, shall for their jurisdiction, be the head of the office.

12. (1) To ensure the effective fire prevention and life safety measures of the buildings or premises as may be specified by an order by the State Government in this behalf, every factory or the owner and occupier or occupiers individually or jointly, as the case may be,-

Appointment of
Fire Safety
Officer.

(i) shall appoint a fire safety officer, having such qualifications as may be prescribed;

(ii) send the compliance report to the Regional Fire Officer or the Chief Fire Officer, as the case may be, under section 18.

(2) The fire safety officer so appointed under sub-section (1) shall, be issued by the Regional Fire Officer or the Chief Fire officer, as the case may be, the enrolment certificate under his signature and seal of the office in the prescribed form.

(3) In case of a vacancy of the fire safety officer appointed under sub-section (1), either on resignation or otherwise, the factory or the owner and occupier or occupiers individually or jointly, as the case may be, shall be required to immediately appoint the fire safety officer.

(4) In case of non-appointment of the fire safety officer, as envisaged under Sub section (1), the Regional Fire Officer or the Chief Fire Officer, as the case may be, may take such steps as he deems necessary, which includes report to the Labour Commissioner for the closure of the factory and in other cases to the relevant authority for necessary action under relevant law.

CHAPTER III

REQUISITION, COMPENSATION FOR FIRE EQUIPMENT

13. (1) Where, the Director or the Chief Fire Officer or any other Fire Officer of any authority, who is in-charge of a fire fighting operation requires firefighting equipment or property of any other authority or any institution or individual, he may by order requisite such equipment or property for the purpose of extinguishing fire in any area and take possession thereof from the authority or any institution or individual, as the case may be.

Requisition of
fire fighting
property.

(2) As soon as may be, after the firefighting operations are over, such officer shall release the equipment or property, taken possession of by requisition under sub-section (1) and restore the same to the authority, institution or individual from whose possession such property was taken.

(3) Where any firefighting equipment or property is requisitioned under sub-section (1), there shall be paid to the owner of such property, compensation the amount of which shall be determined in accordance with the principles hereinafter set out, that is to say,—

(a) where the amount of compensation can be fixed by agreement between the Director or, as the case may be, the Chief Fire Officer and the owner of the firefighting property, it shall be paid in accordance with such agreement;

(b) where no such agreement can be reached, the Director or, as the case may be, the Chief Fire Officer shall refer the matter to the District Magistrate having jurisdiction over the area in which the firefighting equipment or property was kept, used or procured and the Magistrate shall, after hearing the parties and such other persons as he deems necessary, fix the amount of compensation taking into consideration the rent which the firefighting equipment or property would normally fetch if rented out for a similar purpose. The orders of the District Magistrate fixing the amount of compensation shall be final.

**Functions in
case of fire.**

14. (1) In case of any fire in any area, the Director or the Regional Fire Officer or the Chief Fire Officer or any other Fire Officer who is in-charge of firefighting operations on the spot may,—

- (a) remove, or order any other fire officer or fire personnel to remove, any person who by his presence, interferes with or impedes the operations for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which fire has taken place;
- (c) break into or through, or pull down, any premises, for the passage of hose or appliances or cause them to be broken into or through, or pulled down, doing as little damage as possible for the purpose of extinguishing fire :

Provided that, the owner or occupier, as the case may be, of any such premises shall be paid reasonable compensation to the extent of the damage so caused in such manner as may be prescribed;

- (d) require the authority in-charge of water supply in the area to regulate the water mains so as to provide water at a specified pressure at the place where the fire has broken out and utilise the water of any stream, cistern, well or tank or of any available source of water, public or private, for the purpose of extinguishing or limiting the spread of such fire;

- (e) exercise, in the absence of aid from the police, the same powers for dispersing an assembly of persons likely to obstruct the fire-fighting operations as if he were an officer-in-charge of a police station;
- (f) generally take such measures as may appear to be necessary for extinguishing the fire or for the protection of life or property.

(2) Any damage caused to any premises or property, due to fire, by members of the fire service in the discharge of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

15. It shall be lawful for the officer-in-charge of the fire fighting operations to draw water from any source in the area which he considers necessary for such operations and on such occasions as may be required and the authority or owner or occupier having control over such water source shall supply water for that purpose at such rates as may be prescribed.

Power to arrange supply of water.

16. Notwithstanding anything contained in section 14, the Regional Fire Officer or the Chief Fire Officer of any authority or any other officer authorised in this behalf, may enter into agreement with any person who employs and maintains personnel or equipment or both for fire fighting purposes, to secure, on such terms as may be prescribed, the provisions of that person of assistance for the purpose of dealing with fires occurring in any area.

Power to enter into agreement.

CHAPTER IV TRAINING TO FIRE PERSONNELS

17. (1) The State Government may establish and maintain training centres in the State for providing courses of instruction in the prevention and extinguishment of fire for the personnel of any Fire Service and private services of industries, hotels, multi-storied buildings and such other Government and non-Government establishments as which the State Government may specify.

Training.

(2) The State Government may extend the training facilities at such centres to be established under sub-section (1) to the fire service under the control of local bodies and industrial undertakings on payment of fees as may be prescribed.

(3) The State Government may prescribe such fee and such procedure as it may deem fit for providing a course of instruction in the prevention and extinguishment of fire.

CHAPTER V
PROVISIONS RELATING TO FIRE PREVENTION AND
LIFE SAFETY MEASURES

Requirement
for fire prevention
and life safety
measures.

18. (1) Without prejudice to the provisions of any other law or the rules, GDCR or building bye-laws made thereunder or the National Building Code of India, relating to fire prevention and life safety measures as in operation in the State for the time being in force, housing society or the owner or where the owner is not traceable, the occupier, who are either individually or jointly responsible, of a building as classified by regulations or part thereof, shall provide fire prevention and life safety measures therein :

Provided that the owner or the occupier, as the case may be, shall, -

- (i) provide minimum firefighting and life safety installations as provided in the regulations;
- (ii) maintain the fire prevention and life safety measures in operational condition at all times, in the manner and specifications specified in regulations.

(2) The regulations so made shall be notified in the *Official Gazette*.

Manner of
compliance for
prevention and life
safety measures.

19. (1) Notwithstanding anything contained in any other law for the time being in force, -

- (a) no authority empowered to issue the occupancy certificate, shall issue the same, unless it is satisfied that the owner or the occupier, either individually or jointly, has complied with the provisions of section 18;
- (b) in case of building or part thereof, on the date of commencement of this Act, where development permission is issued and construction is not commenced or the construction is commenced but not completed or the construction is completed but occupancy certificate is not issued, and where the housing society or the owner or the occupier, individually or jointly liable, as the case may be, is required to comply the provisions of section 18, the Regional Fire Officer or the Chief Fire Officer, as the case may be, shall either *suo moto* or otherwise serve on the owner or occupier, as the case may be, a notice in the manner as may be prescribed and direct him to undertake and carryout fire prevention and life safety measures, as deemed necessary, within two months from the commencement of this Act, or within such

period or periods as may be extended by the State Government by order in writing:

Provided that any owner or the occupier, as the case may be, who has been served with the notice under clause (b) or not, may undertake and carryout fire prevention and life safety measures, as required to be complied under the provisions of section 18 or as mentioned in the notice issued by the Regional Fire Officer or the Chief Fire Officer or the nominated officer, as the case may be, for getting fire safety certificate.

(2) The owner or the occupier, individually or jointly, as the case may be, shall inform to the Regional Fire Officer or the Chief Fire Officer or the nominated officer, about the compliance with respect to sub-section (1).

(3) The owners or occupiers, as the case may be, who are liable individually or jointly, for the building or part thereof, shall furnish to the Regional Fire Officer or the Chief Fire Officer or the nominated officer, certificate regarding the maintenance and operational condition of fire prevention and life safety measures, as specified by the regulations, issued by a Licensed Agency regarding the compliance of the fire prevention and life safety measures as required under the provisions of section 18.

20. The owners or occupiers, as the case may be, individually or jointly, who are liable to provide fire protection and life safety measures in building or part of building or premises, who, at any time, fail to comply with regard to sub-section (1) of section 19, shall be deemed to be in default. In case, where a fire safety certificate is issued earlier shall remain suspended for a period from the date of the notice for non-compliance issued by the Regional Fire Officer or the Chief Fire Officer or nominated officer and till the date compliance is made to the satisfaction of the Regional Fire Officer or the Chief Fire officer or nominated officer, as the case may be, and the same shall be duly recorded on the fire safety certificate.

Consequences
for
non-compliance
of section 19.

21. (1) The Regional Fire Officer or the Chief Fire Officer or the nominated officer, as the case may be, may scrutinise the compliances, with regard to the requirement of section 18, made by the owners or the occupiers, as the case may be, either independently or jointly, may after making necessary inquiry, if any, issue fire safety certificate.

Suspension,
termination and
punishment.

(2) If the owner or occupier, as the case may be, fails to comply with the directions issued by the Regional Fire Officer or the Chief Fire Officer or the nominated officer, the fire safety certificate, issued under sub-section (1) shall be cancelled after giving owner or occupier an opportunity of hearing to show-cause.

(3) The owner or occupier of the building or premises whose fire safety certificate has been cancelled due to default on his part, shall not be entitled to occupy the building or premises on the ground of non-compliance of fire prevention and life safety measures under section 18.

(4) No person shall tamper with, alter, remove or cause any injury or damage to any fire prevention and life safety equipment installed in any such building or part thereof or instigate any other person to do so.

Safety Measures for
fire hazardous
materials.

22. (1) The State Government may, by notification in the *Official Gazette*, frame the regulations in respect of categorization of fire hazardous materials, trade and premises used for such purposes.

(2) Upon issuances of notification under sub-section (1) it shall be lawful for the Director or the Regional Fire Officer or the Chief Fire Officer or the nominated officer or any fire officer authorised either by the Director or the Regional Fire Officer or the Chief Fire Officer to direct the removal of objects or goods likely to cause the risk of fire, to a place of safety and on failure by the owner or occupier to do so, the Director or the Regional Fire Officer or the Chief Fire Officer or fire officer may, after giving the owner or occupier a reasonable opportunity of making the representation, seize, detain or remove such objects or goods. The opportunity of representation as aforesaid may be dispensed with to avoid an imminent or alarming foreseeable risk of fire.

Assistance of
police in fire
prevention and
firefighting
operation.

23. In firefighting operations or any other duties relating to seizure, detention or removal of any goods involving risk of fire, it shall be the duty of a police officer or members of the police force to assist and aid to the Director or such fire officer in performance of such duties under this Act.

Power to entry
and inspect.

24. (1) The Director or the Regional Fire Officer or the Chief Fire Officer or the Nominated Officer may, after giving three hours' notice to the housing society or occupier or if there is no occupier, to the owner of any place or building or part thereof, as the case may be, enter and inspect such place or building or part thereof at any time between sunrise and sunset where such inspection appears necessary for ascertaining the adequacy or contravention of fire prevention and life safety measures:

Provided that, the Director or the Regional Fire Officer or the Chief Fire Officer or the Nominated Officer may enter into and inspect any such place or building or part thereof at any time if an industry is working or an entertainment or function is going on at such place, building or part thereof, or if it appears to him to be expedient and necessary to do so in order to ensure safety of life and property.

(2) The Director or the Regional Fire Officer or the Chief Fire Officer or the Nominated Officer shall be provided with all possible assistance by the owner or occupier, as the case may be, of such place or building or part thereof for carrying out the inspection under sub-section (1).

(3) The owner or occupier or any other person shall not obstruct or cause any obstruction to the entry of a person empowered or authorised under this section into or upon any land or building or shall not molest such person after such entry for inspection.

(4) When any such place or building or part thereof used as a human dwelling is entered under sub-section (1), due regard shall be paid to the social and religious sentiments of the occupiers; and before any flat, apartment or a part of such building in the actual occupancy of any woman, who, according to the custom does not appear in public, is entered under sub-section (1), notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

(5) Where the inspection is carried out by the Nominated Officer under the preceding provisions of this section, he shall give a report of such inspection to the Director or the Regional Fire Officer or the Chief Fire Officer of the authority concerned.

25. (1) Without prejudice to the prosecution for an offence of non-compliance of the notice issued under clause (b) of sub-section (1) of section 19, the Director or the Regional Fire Officer or the Chief Fire Officer may, in the event of non-compliance of any such notice, take such steps including exercising the power to have the place, building or any part thereof sealed and / or disconnected facilities of water, power and drainage under section 26, as may be necessary for the compliance of such notice.

Steps to be taken for non-compliance of notice.

(2) All expenses incurred by the Director or the Regional Fire Officer or the Chief Fire Officer in relation to any steps taken by him under sub-section (1) shall be payable on demand, by the owner or occupier on whom such notice is served, and shall, if not paid within fifteen days after such demand be recoverable, as if it were the arrears of tax on property and the provisions under the relevant law or any other law for the time being in force and is in operation within the area of jurisdiction of the local authority concerned for recovery of arrears of tax on property, shall apply *mutatis mutandis* for such recovery as they apply to the recovery of arrears of tax on property or where any such law is not in operation then, as an arrears of land revenue.

26. (1) If the Director or the Regional Fire Officer or the Chief Fire Officer is satisfied that due to inadequacy of fire prevention and life safety measures the condition of any place or building or part thereof is in imminent danger to person or property, then notwithstanding anything contained in this Act, or any other law for the time being in force, he shall, by order in writing, require

Evacuation and power to seal.

the persons in possession or in occupation of such place or building or part thereof to remove themselves forthwith from such place or building or part thereof.

(2) If an order made by the Director or the Regional Fire Officer or the Chief Fire Officer under sub-section (1) is not complied with, he may direct, -

(a) the authority responsible for supply of electricity or supply of water, to disconnect the supply of electricity or water, as the case may be;

(b) any police officer having jurisdiction in the area, to remove such persons from such place or building or part thereof and such authority or police officer shall comply with such directions.

(3) After the removal of the persons under sub-section (1) or sub-section (2), as the case may be, the Director or the Regional Fire Officer or the Chief Fire Officer shall cause such place or building or part thereof, to be sealed by such police officer forthwith.

(4) No person shall remove such seal except under a written order made by the Director or the Regional Fire Officer or the Chief Fire Officer *suo motu* or on an application of the owner or occupier.

CHAPTER VI

PROVISIONS FOR TEMPORARY STRUCTURES

Provisions
for
temporary
structures.

27. (1) The State Government may by notification in the *Official Gazette*, declare any class of temporary occupancy such as a *mandap*, *shamiyana* or tents or such other temporary structures for hosting any event, which, in its opinion, is likely to cause a risk of fire.

(2) The measures for fire prevention and life safety to be taken by the promoter, organiser, owner or occupier of such premises where such temporary structures are likely to take place or the erectors of temporary structures or *shamiyana* or tents or *mandap*, as the case may be, shall be such as may be prescribed.

(3) The Regional Fire Officer or the Chief Fire Officer or the Nominated Officer may grant permission for the use of the temporary structures or *shamiyana* or tents or *mandap*, as the case may be, ensuring an undertaking in the prescribed form is given by the promoter, organiser, owner or occupier.

(4) The Director or the Regional Fire Officer or the Chief Fire Officer or the Nominated Officer may enter and inspect any temporary structure about the correctness of the declaration and may point out the inadequacy, if any, with a direction to comply within a specified time.

(5) If the directions of the inspecting officer are not complied with within the time so given, the inspecting officer may seal the temporary structure or *shamiyana* or tents or *mandap* or dismantle such structure and the costs incurred therefore shall be recovered from such defaulter.

(6) The Regional Fire Officer or the Chief Fire Officer or any officer authorised by him in this behalf shall direct the removal of encroachments or objects or goods likely to cause a risk of fire or any obstruction to firefighting, to a place of safety, and on failure of the owner, occupier or erector, as the case may be, to do so, he may, after giving the owner or occupier or erector, as the case may be, a reasonable opportunity of making representation, report the matter to the Sub-Divisional Magistrate, in whose jurisdiction the premises or temporary structure or *shamiyana* or tents or *mandap* is situated, requesting to adjudicate the matter:

Provided that where the Regional Fire Officer or the Chief Fire Officer considers such encroachments or objects or goods to be an imminent cause of risk of fire or obstruction to firefighting, he may direct the owner or the occupier or erector of such premises or building to remove the encroachments or objects or goods forthwith and report the matter to the Sub-Divisional Magistrate accordingly.

(7) On receipt of a report under sub-section (6), the Sub-Divisional Magistrate may make an order to seize, detain or remove such encroachment; or objects or goods likely to cause a risk of fire or obstruction to firefighting.

(8) The person charged with the execution of the order made under sub-section (7), shall forthwith make an inventory of the objects and goods which he seizes under such order, and shall, at the same time, give a written notice as may be prescribed in this behalf, to the person in possession thereof at the time of seizure, that the said objects or goods shall be sold as mentioned in the order as if the same are not claimed within the stipulated time specified in the notice.

(9) On the failure of the person in whose possession the objects or goods were at the time of seizure to claim the seized goods pursuant to notice given under sub-section (8), the Sub-Divisional Magistrate shall sell them by public auction.

(10) Any person aggrieved by a notice or order of the Sub-Divisional Magistrate under sub-section (8) may, within thirty days from the date of such order, prefer an appeal to the Director:

Provided that the Director may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that there was sufficient cause for not filing the appeal within prescribed period.

(11) An appeal to the Director shall be made in such form and shall be accompanied with a copy of the notice or the order appealed against and with such fees as may be prescribed and the order passed by him shall be final.

CHAPTER VII LICENSED AGENCY

28. (1) The Director may grant a license to a person or association of persons as he thinks fit, to act as a Licensed Agency for the purposes of this Act. Licensed Agency.

(2) Any person intending to have or renew such license shall apply to the Director in the prescribed form and in the prescribed manner along with such fee as may be prescribed.

(3) On receipt of an application made under sub-section (2), the Director may, after holding such inquiry as he deems fit, either grant the license in the prescribed form for a period of two years or renew the same for a like period or, for reasons to be recorded in writing, by order refuse to grant or renew the license.

(4) Where the Director has reason to believe that any person to whom a license has been granted has contravened any of the provisions of this Act or of the rules or has failed to comply with the conditions of the license or is unfit by reason of incompetency, misconduct or any other grave reasons, the Director may, after giving to the person a reasonable opportunity to show cause, for reasons to be recorded in writing, by order suspend or cancel the license.

Work to be
carried out
by the
Licensed
Agency.

29. (1) No person other than a Licensed Agency shall carry out the work of providing fire prevention and life safety measures or performing such other related activities required to be carried out in any place or building or part thereof:

Provided that, if the Regional Fire Officer or the Chief Fire Officer is satisfied that, for any reason, to be recorded in writing, the owner or occupier is not able to carry out the fire prevention and fire safety measures in any such place or building or part thereof through a Licensed Agency, the Regional Fire Officer or the Chief Fire Officer may, with the approval of the Director, authorise any other licensed agency to carry out such work. The cost for the work carried out shall be recovered from the owner or the occupier, as the case may be.

(2) The Licensed Agency shall give a certificate under sub-section (3) of section 19 as to the compliance of the fire prevention and life safety measures or maintenance thereof unless without there being actual compliance or maintenance as specified in the regulations.

CHAPTER VIII LEVY OF FIRE FEE AND OTHER CHARGES

30. (1) For the purpose of providing for the cost of fire prevention and life safety services in the State, the State Government may levy and collect a fire fees on lands and buildings which are situated in any area in which this Act is in force notwithstanding any declaration made under proviso to sub-section (1) of section 3.

Levy of
fire fees.

(2) The fire fees shall be levied at such rate in terms of percentage of such property tax as the State Government may, by notification in the *Official Gazette*, determine from time to time:

Provided that, the State Government may determine different rate of percentage for different areas or different local authority or authorities.

31. (1) The authorities empowered to assess, collect and enforce payment of property tax under the relevant law authorising the local authority of the area to levy such tax shall, on behalf of the State Government and subject to any rules made under this Act, assess, collect and enforce payment of the fire fee in the same manner as the property tax is assessed, paid and collected and for this purpose, and may exercise all or any of the powers conferred on them under the relevant law and the provisions of such law including provisions relating to return, appeals, reviews, reference and penalties shall apply accordingly.

Mode of
assessment,
collection, etc.
of fire fees.

(2) Such portion of the total proceeds of the fire fees as the Government may determine shall be deducted to meet the cost of collection of the fire fee.

32. (1) There shall be constituted a fund to be known as "Fire Prevention and Life Safety Fund".

Constitution
of fund.

(2) The proceeds of fire fees and penalties (other than fines) recovered under this Act, shall first be credited to the Consolidated Fund of the State and after deduction of the expenses of collection and recovery therefrom, under appropriation duly made by law in this behalf, be entered in, and transferred to, fund constituted under sub-section (1).

(3) Any amount transferred to the fund under sub-section (2) shall be charged on the Consolidated Fund of the State.

- (4) The amount in the fund shall be expended in such manner and under such conditions as may be prescribed, for the purposes of this Act.
- (5) The fund shall be reflected into the budget estimate of the respective authority and the accounts in respect thereof shall be maintained and audited in accordance with the procedure prescribed for the purpose of maintenance of accounts in the relevant law or the rules and orders made thereunder as are applicable to the respective authority.

CHAPTER IX APPEAL

Appeal.

33. Any person aggrieved by —

- (i) the notice issued under clause (b) of sub-section (1) of section 19, or
- (ii) the refusal of the Regional Officer or the Chief Fire Officer to pass an order under sub-section (4) of section 26, may prefer an appeal to the Director. Such appeal shall be made in such manner and accompanied with such fees, as may be prescribed. The Director after giving a reasonable opportunity to the appellant of being heard, pass an order, and every such order passed under this section shall be final:

Provided that in case of local fire service of any local authority, in so far as the area comprising of Municipal Corporation is concerned, the Commissioner shall be the appellate authority.

Limitations for
filing Appeal.

34. No appeal under section 33 shall be entertained unless, such appeal is preferred within fifteen days from the date of service of notice or the date on which the refusal is communicated to the Director or the Commissioner, as the case may be:

Provided that, the Director or the Commissioner, as the case may be, may admit the appeal preferred after the expiration of the fifteen days if he is satisfied that the appellant had sufficient cause for not preferring the appeal within said period.

CHAPTER X
OFFENCES AND PENALTIES

35. No court inferior to that of a Metropolitan Magistrate or Judicial Magistrate First Class shall try an offence punishable under this Act or the rules made thereunder. Jurisdiction of Court.
36. No court shall entertain any suit, application or other proceedings in respect of any notice given under section 19 or any action taken under sub-section (2) of section 26 or an order of refusal to permit removal of seal passed under sub-section (4) of section 26 and sub-section (10) of section 27 of this Act or any action or any order shall be called in question otherwise than by preferring an appeal as provided by this Act. Bar of Court.
37. Save in the case of cognizable offences, no court shall take cognizance of an offence punishable under this Act or the rules made thereunder except on the complaint made by the Regional Fire Officer or the Chief Fire Officer or any other officer authorised by him in this behalf. Cognizance of offence.
38. (1) The Director or the Regional Fire Officer or the Chief Fire Officer, or any officer authorised in this behalf by the Director may by general or special order, either before or after the institution of the proceedings, compound any offence made punishable by or under this Act or the rules made thereunder or withdraw from such proceedings at any stage. Compounding of offence or withdrawal of proceedings.
- (2) When an offence has been compounded under sub-section (1), the offender, if in custody, shall be discharged, and no further proceedings shall be taken against him in respect of the offence compounded.
39. (1) Whoever contravenes any of the following provisions,- Offences and penalties.
- (a) under sub-section (1) of section 18, fails to provide and maintain the fire prevention and life safety equipment in good repair and efficient condition;
 - (b) under sub-section (1) of section 19, fails to comply with the notice directing to undertake and carry out fire prevention and life safety measures;
 - (c) under sub-section (4) of section 21, tampers with, alters, removes or causes any injury or damage to any fire prevention and life safety equipment installed in a building or instigating any other person to do so;
 - (d) under sub-section (2) of section 22, after non-compliance of the direction of removal of objects or goods likely to cause the risk of fire to a place of safety, causes obstruction in authorized seizure, detention, and removal of such objects or goods;

- (e) under sub-section (3) of section 24, obstructs the entry by an authorized or empowered person or molests such person after such entry for inspection; under sub-section (4) of section 26, removes the seal of the building without written order made by the Regional Fire Officer or the Chief Fire Officer;
- (f) under sub-section (4) of section 27, fails to comply with the directions issued by the Director or the Regional Fire Officer or the Chief Fire Officer;
- (g) under sub-section (1) of section 29, carries out the work of providing fire prevention and life safety measures, or performing such other related activities by a person other than the Licensed Agency; or
- (h) under sub-section (2) of section 29, giving a certificate under sub-section (3) of section 19 without there being actual compliance or maintenance of fire prevention and life safety measures and equipment;

without prejudice to any other action taken or which may be taken under any of the provisions of this Act, be punished with imprisonment for a term which shall not be less than one month which may extend up to two years or fine which shall not be less than rupees 10,000 which may extend to rupees 1,00,000, or both and where the offence is continuing one with a further fine which may extend to rupees 3000 for every day during which such offence continues after the conviction for the first such offence.

(2) Whoever —

- (a) willingly attempts, in any manner whatsoever, to evade any fee or interest leviable under this Act, or
- (b) contravenes any of the provisions of this Act or the rules for which no specific penalty has been provided for by this Act, or
- (c) fails to comply with the requirement of any order or any notice or any direction, issued under any of the provisions of this Act or the rules, by the Director or any authority or the Regional Fire Officer or the Chief Fire Officer of such Authority or any other officer authorised by any of them, for which no specific penalty has been provided by this Act, shall, on conviction, be punished, —

- (i) in case where the amount, of fees and/or interest exceeds rupees 50,000 during the period of a year, with imprisonment for a term which shall not be less than three months but which may extend to two years or with fine or with both;
- (ii) in case where such amount is less than rupees 50,000 during a year, with imprisonment for a term which shall not be less than one month but which may extend to one year or with fine or with both;
- (iii) in case of contravention of any provision of this Act or the rules made thereunder or failure to comply with the requirement of any order or notice as aforesaid, with imprisonment for a term which shall not be less than three months but which may extend to two years or with fine or with both.

(3) Whoever aids or abets any person in commission of any offence specified in sub-section (1) or (2) shall, if the act is committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be punished with the punishment provided for the offence.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

40. Offences under sub-section (4) of section 21 and of removal of seal without an order under sub-section (4) of section 26 shall be cognizable and non-bailable. Offences and penalties for removing seal.

41. Every police officer, Government and private agency or person shall be bound to assist the members of the Fire Service reasonably demanding his or its aid in the performance of their duties under this Act. Assistance to Fire Officers.

42. Any person who without Just cause fails to communicate information in his possession regarding an outbreak of fire shall be deemed to have committed an offence punishable under section 176 of the Indian Penal Code, 1860. Failure to give information.

43. Any person who wilfully obstructs or interferes with any member of the Fire Service who is engaged in firefighting operations, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend, to five thousand rupees, or with both. Penalty for wilfully obstructing firefighting rescue operations.

False report. 44. Any person who knowingly gives or causes to be given a false report of the outbreak of a fire to any person authorised to receive such report by means of a statement, message or otherwise shall be punished with imprisonment which may extend to three months or with fine which may extend to one thousand rupees, or with both.

Offence by a company. 45. (1) Where an offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

- (a) “company” means a body corporate and includes a firm or other association of individuals ; and
- (b) “director”, in relation to a firm, means a partner in the firm, and in relation to any association of persons or body of individuals, means any member controlling the affairs thereof.

CHAPTER XI MISCELLANEOUS

Officers and employees to be public servant. 46. Every officer or employee shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

47. In the event of a member of the Fire Service (other than a Gazetted Officer), dies while on active duty, the State Government shall pay, to the next of kin as funeral expenses, such amount as the State Government may by an order determine.

Death of member of Fire Service.

48. It shall be lawful for the Government or any officer authorised by it in this behalf, to employ the Fire Service in any rescue, salvage or other works for which it is suitable by reason of its training, appliances and equipment.

Employment on other duties.

49. (1) The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any other law.

Effect of inconsistency with other Act.

(2) Subject to the provisions of sub-section (1), the provisions of this Act shall be in addition to, and not, save as expressly provided hereinabove, be in derogation of the provisions of any relevant law for the time being in force in any area in which this Act is in force.

50. (1) The provisions of this Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force, in so far as the provisions relating to fire prevention and life safety are concerned.

Act to have overriding effect and effect of other laws.

(2) Notwithstanding anything contained in any other law for the time being in force, when anything in relation to the fire prevention and life safety measures is required to be done or approved under this Act, any such thing shall not be deemed to have been unlawfully done or approved by reason only of the fact that permission, approval or sanction required under such other law therefor has not been obtained.

51. In order that the effective fire prevention and life safety measures are provided by the State Fire Service, the State Government may by an order, transfer all or any assets, rights and liabilities of any body owned or controlled by the State Government to the State Fire Service.

Transfer of assets, rights, etc. by State Government to State Fire Services.

52. (1) The State Government may, by notification in the *Official Gazette*, delegate any of its powers, except the power of making rules, exercisable by it under this Act or the rules made thereunder, to the Director in such matters and subject to such terms and conditions, if any, as may be specified in such notification.

Delegation of power.

(2) The Director may, with the prior approval of the State Government, by an order in writing, delegate any of its powers exercisable by him under this Act or the rules made thereunder to the Regional Fire Officer or the Chief Fire Officer subject to such terms and conditions, if any, as may be specified in such order.

Power to issue
directions.

53. The Director may, for the purpose of performing functions under this Act and for reasons to be recorded in writing, issue such directions to a person to do or abstain from doing a specified thing within the affected areas in which the emergency relief measures are being undertaken and any person on receipt of such directions shall comply with the same.

Reporting by
Regional Fire Officer
or Chief Fire Officer.

54. Every Regional Fire Officer or the Chief Fire Officer shall furnish to the Director such reports, returns and other information as the Director may, from time to time, require.

Power of State
Government to give
directions.

55. The State Government may issue, from time to time, directions to the Director as it may deem fit for giving effect to the provisions of this Act and it shall be the duty of the Director to comply with such directions.

Decision of
State
Government
to be final.

56. If any dispute arises with respect to the exercise of powers and discharge of functions by the Director or the Regional Fire Officer or the Chief Fire Officer under this Act, the same shall be referred to the State Government and the decision of the State Government thereon shall be final.

Power to make
rules.

57. (1) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules, not inconsistent with this Act, for carrying out the purposes of this Act:

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

- (a) prescribing number of fire sub-divisions of fire divisions and fire divisions of fire region under clause (j) and clause (l) respectively, of sub-section (1) of section (2);
- (b) prescribing qualifications for appointment of nominated officer under clause (u) of sub-section (1) of section 2;
- (c) prescribing rules governing the mode of recruitment of staff, grade of post, the qualifications, pay, allowances and other conditions of service of the officers and employees under sub-section (2) of section 5;
- (d) prescribing the qualifications for appointment and other conditions of service of the Regional Fire Officer under sub-section (6) of section 8;

- (e) prescribing the qualifications for appointment and other conditions of service of the Divisional Fire Officer and the Station Fire Officer under sub-section (2) of section 10;
- (f) prescribe other factors for the classifications of the category of Chief Fire Officer for each Local Fire Service under clause (a) of sub-section (3) of section 10;
- (g) prescribing the norms and qualifications of the each category of Chief Fire Officer under clause (b) of sub-section (3) of section 10;
- (h) prescribing the norms and qualification of the each category of Fire Safety Officer under sub-section (1) of section 12;
- (i) prescribing the form of enrolment certificate under sub-section (2) of section 12;
- (j) prescribing the manner in which and the extent to which compensation shall be paid for damage caused under clause (c) of sub-section (1) of section 14;
- (k) prescribing rates of water supply, for drawing the water during fire-fighting operations under section 15;
- (l) prescribing the terms of agreement with any person to maintain equipment for fire-fighting under section 16;
- (m) the fees payable for the training of personnel of any Fire Service and private services of industries, hotels, multi-storied buildings under sub-section (2) of section 17;
- (n) prescribing the fee and the procedure for providing a course of instruction under sub-section (3) of section 17;
- (o) prescribing the manner of service of notice under clause (b) of sub-section (1) of section 19;
- (p) prescribing the measure for fire prevention and life safety under of sub-section (2) of section 27;
- (q) prescribing the form of undertaking under sub-section (3) of section 27;
- (r) prescribing the manner of service of notice under sub-section (8) of section 27;
- (s) prescribing the form of appeal and fees under sub-section (11) of section 27;
- (t) prescribing the fee to be paid, the form of application and form of licence and the manner under sub-section (2) of section 28;

- (u) prescribing the fee to be paid For renewal of Licence, the form and the manner under sub-section (2) of section 28;
- (v) prescribing the manner and conditions for the expenses made from the fund under sub-section (4) of section 32;
- (w) prescribing the manner and fees for filing an appeal under clause (ii) of section 33.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be they are made, and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

Power to make regulations.

58. (1) The Director may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations not inconsistent with the Act and the rules made there under, for enabling it to perform its functions under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may be made to provide for all or any of the matters expressly required or allowed by this Act to be specified by regulations.

Power to remove difficulty.

59. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order do anything not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.:

Provided that, no order shall be made under this section after the expiry of three years from the date of coming into force of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

Removal of doubt.

60. For the removal of doubt, it is hereby declared that fire prevention and life safety measures specified under this Act shall be without prejudice to any civil or the criminal liability to which a person may be subject to under any law for the time being in force.

Protection of action taken in good faith.

61. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules.

62. Any amount payable under this Act shall be recovered as an arrears of land revenue.

Recovery of
dues.

63. Every member of the fire service shall perform functions imposed by or under this Act in addition to and not in derogation of functions performed by the State Government or any of its officers in pursuance of the provisions of any law for the time being in force or in exercise of the executive powers of the State for the prevention of fire and life safety in the State or in relation thereto.

Savings.

64. In order to assist any disaster, other than resulting due to fire, all Fire Services shall be considered as emergency services:

Fire Services
to be consider
as Emergency Services.

Provided that, in case where the emergency services are not related only to fire, the decisions and directions of the authority in charge of the emergency service shall prevail.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 2nd April, 2013 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,

Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 12 OF 2013.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 2nd April, 2013).

AN ACT

further to amend the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) (Amendment) Act, 2013. Short title.
2. In the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (hereinafter referred to as "the principal Act"), in section 2,- Amendment of section 2 of Guj.2 of 2008.

(i) in clause (g), after sub-clause (ii), the following sub-clause shall be inserted, namely:-

“(iii) all supernumerary seats of the professional courses in the Government colleges or institutions and in the aided and unaided colleges or institutions;”;

(ii) after clause (I), the following clause shall be inserted, namely:-

“(II) “supernumerary seats” means the seats which are termed as such by the AICTE or other statutory body and which are over and above the sanctioned intake of professional course;”.

Amendment 3.
of section 6 of
Guj.2 of 2008.

In the principal Act, the existing section 6 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

“(2) Notwithstanding anything contained in sub-section (1), in the event of no student being available from the merit list or the seats declared as vacant by the Admission Committee, the Government may permit admission to such professional course in the manner as may be prescribed.”.

Insertion of new 4.
section 7A in
Guj.2 of 2008.

In the principal Act, after section 7, the following section shall be inserted, namely:-

**Provisions
relating to
admission to
students from
other States.**

“7A. (1) Notwithstanding anything contained in this Act so far as admission to professional courses is concerned, students from other States may be given admission in the unaided colleges or institutions in such manner and on such number of seats of professional courses, as may be specified by an order published in the *Official Gazette*, by the State Government.

(2) For the purpose of giving admission to the students referred to in sub-section (1), the State Government may,-

- (a) specify the criteria on which the admission may be given, or
- (b) may direct to conduct the separate common entrance test, and to prepare the separate merit list on the basis of the same for such professional courses.”.

Amendment 5.
of section 10
of Guj.2 of
2008.

In the principal Act, in section 10, in sub-section (1), the words “and for students from other States” shall be added at the end.

6. In the principal Act, after section 13, the following section shall be inserted, namely:-

Insertion of new
section 13A in
Guj.2 of 2008.

Exemption. "13A. The State Government may exempt from all or any of the provisions of this Act, by notification in the *Official Gazette*, such college or institution which may be declared as the Center of Excellence after following due procedure as may be laid down in the rules."



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th April, 2013 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 13 OF 2013.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 10th April, 2013).

AN ACT

further to amend the Gujarat Lifts and Escalators Act, 2000.

It is hereby enacted in the Sixty-fourth Year of the republic of India as follows:-

1. (1) This Act may be called the Gujarat Lifts and Escalators (Amendment) Act, 2013.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of Guj. 4 of 2000. 2. In the Gujarat Lifts and Escalators Act, 2000 (hereinafter referred to as "the principal Act"), in section 2, for clause (c), the following clause shall be inserted, namely :-

Guj. 4 of 2000.

"(c) "Chief Inspector", "Inspector" and "Assistant Inspector" means respectively the person designated or appointed, as the case may be, to be the Chief Inspector of Lifts and Escalators, the Inspector of Lifts and Escalators and the Assistant Inspector of Lifts and Escalators under sub-section (1) of section 10A or under sub-section (1) of section 15;"

Amendment of section 6 of Guj. 4 of 2000. 3. In the principal Act, in section 6, in sub-section (1), for the words "three years", the words "five years" shall be substituted.

In section of new section 10A of Guj. 4 of 2000. 4. In the principal Act, in, after section 10, the following section shall be inserted, namely :-

Power of State Government to designate in the areas comprising of municipal corporations or municipalities.

" 10A. (1) Notwithstanding anything contained in this Act, for the area comprising of the Municipal Corporations constituted under the Gujarat Provincial Municipal Corporations Act, 1949, or for the area comprising of the Municipalities constituted under the Gujarat Municipalities Act, 1963, as the case may be, the State Government may by notification in the *Official Gazette*, designate, subject to such terms and conditions, any person of the Municipal Corporation or of the Municipality, as the case may be, who possesses the prescribed qualifications to be the officer, the Chief Inspector, the Inspector and the Assistant Inspector, for the purposes of sections 3 to 10 and sections 12 and 16 of this Act or any other section wherever necessary, and the provisions of the said sections shall "*mutatis mutandis*" apply from such date as specified in the notification.

Bom. LIX of 1949.

Guj. 34 of 1964.

(2) The Chief Inspector designated under sub-section (1) shall in addition to the powers conferred on him under this Act, exercise the powers of an Inspector within such area as may be notified by the State Government.

(3) Every Inspector so designated under sub-section (1) shall exercise the powers and perform the functions of the Inspector under this Act within such areas or in respect of such class of lifts or escalators installations and subject to such restrictions as the State Government may direct.

(4) The Municipal Corporation or the Municipality may authorise any person for the areas comprising of the Municipal Corporation or the Municipality, as the case may be, as may be specified and subject to such terms and conditions, who possesses the qualifications for being appointed as the Inspector or the Assistant Inspector, as the case may be, to exercise the powers and functions of the Inspector or the Assistant Inspector, respectively.”

5. In the principal Act, in section 13, in sub-section (1), for the words “The Chief Inspector”, the words and figures “The Chief Electrical Inspector appointed under the Electricity Act, 2003” shall be substituted. Amendment of section 13 of Guj. 4 of 2000.

36 of 2003.

6. In the principal Act, for section 15, the following shall be substituted, namely:- Substitution of section 15 of Guj. 4 of 2000.

Appointment of Chief Inspector, Inspector and Assistant Inspector of Lifts and Escalators. “15. (1) The State Government may, by notification in the *Official Gazette*, appoint a person having such qualifications as may be prescribed in this behalf to be-

(a) the Chief Inspector of Lifts and Escalators;

(b) the Inspector of Lifts and Escalators;

(c) the Assistant Inspector of Lifts and Escalators.

(2) The Chief Inspector shall in addition to the powers conferred on him under this Act, exercise the powers of an Inspector within such area as may be notified by the State Government.

(3) Every Inspector so appointed shall exercise the powers and perform the functions of the Inspector under this Act within such areas or in respect of such class of lifts or escalator installations and subject to such restrictions as the State Government may direct.

(4) The State Government may, by notification in the *Official Gazette*, authorise any person, for the areas other than the areas comprising of the Municipal Corporation as may be specified and subject to such terms and conditions, who possesses the qualifications for being appointed as the Inspector or the Assistant Inspector, as the case may be, to exercise the powers and functions of the Inspector or the Assistant Inspector, respectively.

Amendment of
section 16 of
Guj. 4 of 2000.

7. In the principal Act, in section 16,-

(1) for sub-section (1), the following sub-sections shall be substituted, namely:-

“(1) Every lift or escalator-

(a) shall be inspected by the Chief Inspector or by the Inspector authorised in this behalf by the State Government before the grant of a license under section 4;

(b) shall be inspected by the Assistant Inspector, either appointed or authorised by the State Government, at an interval of five years from the date of grant of License;

(c) may be inspected by the Inspector to check up compliance with the order made under sub-section (2) of section 10, if necessary.

(1A) Notwithstanding anything contained in this Act, the Chief Inspector may inspect at any time any lift or escalator for the purposes of this Act and the rules made thereunder.”;

(2) in sub-section (2), the words “six months”, the words “one year” shall be substituted.

Insertion of
new section
23A in
Guj.4 of 2000.

8. In the principal Act, after section 23, the following section shall be inserted, namely:-

Power of State
Government to
give directions.

“23A. The State Government shall have the powers to issue directions to the persons as designated under sub-section (1) of section 10A from time to time as may be required for the compliance of the provisions of this Act and the rules made thereunder and the persons so designated shall, notwithstanding any provision in the relevant law, be bound to comply with such directions”.

Amendment of
section 24 of
Guj. 4 of 2000.

9. In the principal Act, in section 24, in sub-section (2), after clause (m), the following clause shall be inserted, namely:-

“(mm) the qualifications and other requirements for appointment of the Chief Inspector, the Inspector and the Assistant Inspector under sub-section(1) of section 15;”.

10. In the principal Act, for section 25, the following section shall be substituted, namely:-

Substitution of
section 25 of
Guj. 4 of 2000.

36 of 2003. Provisions of Electricity Act, 2003 not affected. "25. Nothing contained in this Act shall affect the provisions of the Electricity Act, 2003 or any rules made thereunder."

11. Each of the Acts specified in the second column of the Schedule shall be amended in the manner and to the extent specified against it in the third column thereof.

Amendment of
Bom. LIX of
1949 and
Guj. 34 of
1964.

SCHEDULE

Sr. No.	Short title.	Extent of Amendment.	
1	2	3	
1.	The Gujarat Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949).	Insertion of new section 63A in Bom. LIX of 1949.	After section 63, the following section shall be inserted, namely:- Functions relating to Lifts and Escalators. "63A. It shall be incumbent upon the municipal corporation to implement the provisions of the Gujarat Lifts and Escalators Act, 2000 consequent upon the issuance of notification by the State Government under section 10A of the said Act."
2.	The Gujarat Municipalities Act, 1963 (Guj. 34 of 1964).	Insertion of new section 87A in Guj. 34 of 1964.	After section 87, the following section shall be inserted, namely:- Functions relating to Lifts and Escalators. "87A. It shall be incumbent upon the municipality to implement the provisions of the Gujarat Lifts and Escalators Act, 2000 consequent upon the issuance of notification by the State Government under section 10A of the said Act."

Guj.4 of 2000.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th April, 2013 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 14 OF 2013.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 10th April, 2013).

AN ACT

further to amend the Raksha Shakti University Act, 2009.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Raksha Shakti University (Amendment) Act, 2013. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 2 of Guj.
14 of 2009.

2. In the Raksha Shakti University Act, 2009 (hereinafter referred to as "the principal Act"), in section 2, after clause (ii), the following clause shall be inserted, namely:-

Guj. 14 of
2009.

"(ii-a) "Chairman" means Chairman of the University appointed under section 7A;"

Amendment of
section 3 of Guj.
14 of 2009.

3. In the principal Act, in section 3, in sub-section (2), for the words "The Director General," the words "The Chairman, the Director General," shall be substituted.

Amendment of
section 5 of Guj.
14 of 2009.

4. In the principal Act, in section 5, for clause (iv), the following clause shall be substituted, namely:-

"(iv) to develop, conduct and review course curriculum, relating to security matters and other related subjects of knowledge with the objective of promoting scholarship and excellence;"

Amendment of
section 7 of Guj.
14 of 2009.

5. In the principal Act, in section 7, for clauses (ii) and (iii), the following clauses shall be substituted, namely:-

"(ii) to provide for instruction, training and research in such branches of knowledge or learning pertaining to all aspects of policing and public participation for greater benefits to society;

(iii) to prescribe and conduct courses and curricula and provide for flexibility in the education systems and delivery methodologies including electronic and distance learning;"

Insertion of new
section 7A in
Guj. 14 of 2009.

6. In the principal Act, after section 7, the following section shall be inserted, namely:-

Chairman. "7A. (1) (a) The Chairman of the University shall be appointed by the State Government, who shall be the person of eminence and has excelled in any field of governance, policing academics, judiciary, defence studies or internal security.

(b) The Chairman shall not have attained the age of seventy years on the date of nomination or re-nomination.

(2) The Chairman shall hold office for a period of three years and shall be eligible for re-nomination for one more term only.

(3) The other terms and conditions of appointment of the Chairman shall be such as may be determined by the State Government.

(4) Where a vacancy in the office of the Chairman occurs on account of death, resignation or otherwise, the State Government shall appoint immediately suitable person to be the Chairman in accordance with the provision of sub-section (1).

(5) The Chairman may resign from his office by writing under his hand addressed to the State Government and such resignation shall take effect from the date of acceptance by the State Government.

(6) The Chairman shall have, subject to the provisions of this Act, power to cause an inspection or review of matters relating to estates, buildings, infrastructure and other systems maintained by the University."

7. In the principal Act, in section 8, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:-

Amendment
of section 8 of
Guj. 14 of
2009.

"(1) (a) The Director General of the University shall be appointed by the State Government on the recommendations of the Search Committee consisting of-

- (i) an eminent educationist;
- (ii) an eminent person who is associated with and has excelled in the field of security;
- (iii) one Vice-Chancellor of any of the Universities of the State of Gujarat.

(b) The State Government shall appoint the Search Committee and nominate one of its members as the Chairman of the Search Committee.

(2) The Director General shall be appointed from amongst the persons who,-

- (i) have achieved distinction and excellence in the field of security and defence or related fields with proven record of his contribution;

- (ii) have not attained the age of sixty-five years on the date of nomination or re-nomination.”.

Amendment
of section 9 of
Guj. 14 of
2009.

8. In the principal Act, in section 9,-

- (1) sub-section (1) shall be deleted;
(2) in sub-section (2), in clause (i), the word “Board,” shall be deleted.

Amendment
of section 11
of Guj. 14 of
2009.

9. In the principal Act, in section 11, before clause (i), the following clause shall be inserted, namely:-

“(i-a) The Chairman,”.

Amendment
of section 12
of Guj. 14 of
2009.

10. In the principal Act, in section 12, in sub-section (1),-

- (1) for clause (i), the following clauses shall be substituted, namely:-
“(i-a) the Chairman, who shall be the Chairman of the Board;
(i) the Director General;”;

(2) for clause (x), the following clauses shall be substituted, namely:-

“(x) five members from amongst the persons who are associated with and have excelled in the field of defence or education or public services, to be nominated by the State Government;

(xi) one of the Deans by rotation, to be nominated by the Director General.”.

Amendment
of section 16
of Guj. 14 of
2009.

11. In the principal Act, in section 16,-

- (1) in sub-section (1), after clause (vii), the following clause shall be added, namely:-

“(viii) three eminent academicians, to be nominated by the State Government;”;

- (2) in sub-section (3), for the words, brackets and figures “clauses (iii), (iv) and (vii)”, the words, brackets and figures “clauses (iii), (iv), (vii) and (viii)” shall be substituted.”.

12. In the principal Act, in section 20, for sub-section (1), the following sub-section shall be substituted, namely:-
“(1) The Deputy Director General of the University shall be appointed by the State Government by transfer or deputation from amongst the serving senior officers of the State Government in the fields of security or public service or administration.”
Amendment of section 20 of Guj. 14 of 2009.
13. In the principal Act, section 25 shall be deleted.
Deletion of section 25 of Guj. 14 of 2009.
14. In the principal Act, in section 26, for the words “The Government shall pay”, the words “The Government shall give” shall be substituted.
Amendment of section 26 of Guj. 14 of 2009.
15. In the principal Act, in section 29, sub-section (2) shall be deleted.
Amendment of section 29 of Guj. 14 of 2009.
16. In the principal Act, in section 32, for the words “such reports,”, the words “such annual reports,” shall be substituted.
Amendment of section 32 of Guj. 14 of 2009.
17. In the principal Act, in section 39, after the words “from the University,”, the words “the Chairman,” shall be inserted.
Amendment of section 39 of Guj. 14 of 2009.



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PART IV

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The following Act of the Gujarat Legislature, having been assented to by the Governor on the 10th April, 2013 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 OF 2013.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 10th April, 2013).

AN ACT

further to amend the Gujarat Stamp Act, 1958.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Stamp (Amendment) Act, 2013.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In the Gujarat Stamp Act, 1958, in Schedule 1,-

Amendment of
Schedule I to
Bom. LX of 1958.

(1) in article 6, -

(A) in clause (1), in sub-clause (a),-

(a) in item (i), the words "Subject to maximum of one lakh rupees," shall be deleted;

(b) in item (ii), for the words "Subject to maximum of three lakh rupees," the words "Subject to maximum of eight lakh rupees," shall be substituted;

(B) in clause (2),-

(a) in item (i), the words "Subject to maximum of one lakh rupees," shall be deleted;

(b) in item (ii) for the words "Subject to maximum of three lakh rupees," the words "Subject to maximum of eight lakh rupees," shall be substituted;

(2) in article 14,-

(a) in item (i), the words "Subject to maximum of one lakh rupees," shall be deleted;

(b) in item (ii), for the words "Subject to maximum of three lakh rupees," the words "Subject to maximum of eight lakh rupees," shall be substituted;

(3) in article 18, in column (1), the following Explanation shall be added, namely :-

"Explanation.- For the purpose of this article, the value of shares, scrip or stock includes the amount of premium, if any.";

(4) in article 20,-

(a) in clause (d), for the words "Subject to maximum ten crores rupees", the words "Subject to maximum twenty-five crores rupees" shall be substituted;

(b) in **Explanation I**, after the words "for the purpose of this Article", the words, brackets, letters and figures "and subject to sub-item (a) of item (ii) of clause (f) of article 45" shall be inserted;

(5) in article 27, in clause (b),-

(i) in item (ii), in sub-item (a), the words "Subject to maximum of one lakh rupees," shall be deleted;

(ii) in item (ii), in sub-item (b), for the words "Subject to maximum of three lakh rupees," the words "subject to maximum of eight lakh rupees," shall be substituted;

(6) in article 45, the existing clause (f) shall be renumbered as item (i) of that clause and after item (i) as so renumbered, the following sub-item shall be added, namely :-

"(ii) when authorising to sell or transfer immovable property without consideration or without showing any consideration, as the case may be, -	
(a) if given to the father, mother, brother, sister, wife, husband, son, daughter, grandson, granddaughter;	One hundred rupees.
(b) in any other case.	The same duty as is leviable on a conveyance under article 20 for the amount of consideration or, as the case may be, market value of the immovable property whichever is greater.";

(7) for article 49, the following article shall be substituted, namely:-

"49. RELEASE- that is to say, any instrument (not being such a release as is provided for by section 24) whereby a person renounce a claim upon another person or against any specified property-	
(a) if the release deed of an ancestral property or part thereof is executed by or in favour of brother or sister (children of renouncer's parents) or son or daughter or son of predeceased son or daughter of predeceased son or father or mother or spouse of the renouncer or the legal heirs of the above relations;	One hundred rupees.
(b) in any other case	The same duty as is leviable on a conveyance under article 20 for the amount of consideration or, as the case may be, market value of the share, interest, part or claim renounced in immovable property whichever is greater."



सत्यमेव जयते



The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 12th April, 2013 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 2013.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 15th April, 2013).

AN ACT

to lay down an obligation upon every public authority to render public services within the prescribed time limit and provide for a grievance redressal mechanism to citizens for non-compliance and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat (Right of Citizens to Public Services) Act, 2013.

Short title,
extent and
commencement.

(2) It shall extend to the whole of the State of Gujarat.

(3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions of the Act.

Definitions. 2. In this Act, unless the context otherwise requires,--

- (a) "Authority" means a State Appellate Authority constituted under sub-section (1) of section 12;
- (b) "complaint" means a complaint filed by a citizen regarding any grievance relating to, or arising out of, any failure in rendering of services as notified in section 4 or in the functioning of a public authority, but does not include grievance relating to the service matters of a public servant whether serving or retired;
- (c) "days" means the working days, referred to as the timeline;
- (d) "Designated Authority" means such officer, as may be designated by the public authority, who shall be above the rank of the Grievance Redressal Officer referred to in sub-section (1) of section 6;
- (e) "Designated Officer" means an officer whose name is published under section 5 for rendering of services;
- (f) "Grievance Redressal Officer" means a Grievance Redressal Officer appointed under sub-section (1) of section 6;
- (g) "member" means a person appointed as a member of the State Appellate Authority under sub-section (2) of section 12;
- (h) "prescribed" means prescribed by rules made under section 29;
- (i) "public authority" means any authority or body or institution of Government established or constituted, -
 - (i) by or under the Constitution;
 - (ii) by any other law made by Parliament;
 - (iii) by any law made by the State Legislature;
 - (iv) by notification issued or order made by the State Government, and includes any,-
 - (a) body owned, controlled or substantially financed by funds provided by the State Government;
 - (b) non-Government organization substantially financed, directly or indirectly by funds provided by the State Government;
 - (c) an organization or body corporate in its capacity as an instrumentality of "State" as defined under article 12 of the Constitution and rendering services of public utility in the State of Gujarat;

- (d) a Government company as defined under section 617 of the Companies Act, 1956 which is a State Public Sector Undertaking;
- (e) any other company which supplies goods or renders services to the State Government in pursuance of an obligation imposed under any Central or State Act or under any licence or authorisation under any law for the time being in force.
- (v) by an agreement or memorandum of understanding between the State Government and any private entity as Public-Private Partnership or otherwise;
- (j) "service" means all the goods and services, including functions, obligations, responsibility or duty, to be provided or rendered by a public authority;
- (k) "State" means the State of Gujarat.

CHAPTER II RIGHT TO DELIVERY OF SERVICES

3. Subject to the provisions of this Act, every individual citizen shall have the right to time bound delivery of services and redressal of grievances. Right to services.

CHAPTER III NOTIFICATION OF SERVICES BY STATE GOVERNMENT

4. The State Government may, from time to time, notify the services to which this Act shall apply and the stipulated time-limits within which the services shall be provided. Notification of services by State Government.
5. A public authority shall, within two months of the notification issued under section 4, publish the names and addresses of Designated Officers responsible for rendering of services notified under section 4. Obligation of Public Authority to publish names of individuals responsible for rendering services.

CHAPTER IV APPOINTMENT AND OBLIGATIONS OF GRIEVANCE REDRESSAL OFFICERS

6. (1) Every public authority shall, within two months of a notification issued under section 4, designate as many officers as may be necessary as Grievance Redressal Officers in all administrative units or offices at the State, district and taluka levels, municipal corporations, municipalities, notified areas, panchayats and such other offices whereat services are rendered to receive, enquire into and redress any complaints from citizens in the manner as may be prescribed: Appointment and Obligations of Grievance Redressal Officers.

Provided that the Grievance Redressal Officer so appointed shall be at least one level above, and be deemed to have administrative control on the Designated Officer.

(2) Every public authority shall, immediately on appointment of a Grievance Redressal Officer, display at its office or customer care centre or help desk or *Jan Seva Kendra* and at the sales outlet, if any, website and at the office of the Grievance Redressal Officer, the name of the Grievance Redressal Officer, his address and telephone number, *E-mail* address, facsimile number and other means, if any, of contacting him, in respect of each area for which the Grievance Redressal Officer has been appointed.

(3) Every public authority shall appoint or designate such number of Grievance Redressal Officer under sub-section (1) for such areas, as may be considered by it necessary, for the Grievance Redressal Officer to be easily accessible and available for redressal of grievance of the public.

(4) The Grievance Redressal Officer shall provide all necessary assistance to citizens in filing complaints.

(5) Where a complainant is unable to make a complaint in writing, the Grievance Redressal Officer shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

Acknowledgement of complaint by receipt thereof. 7. All complaints shall, within three working days of the making of the complaint, be acknowledged by a receipt, issued in writing or through electronic means or through text message or through any other means as may be prescribed, specifying the date, time, place, unique complaint number and particulars of receiver of complaint along with the stipulated time frame within which the complaint shall be redressed.

Action to be taken by Grievance Redressal Officer. 8. (1) Upon receipt of a complaint made under section 6, it shall be the duty of the concerned Grievance Redressal Officer to ensure that,

- (a) the grievance is remedied in the prescribed time frame;
- (b) the reason for the occurrence of the grievance is identified, the grievance is redressed satisfactorily within the prescribed time frame and the responsibility, if any, of the defaulting person is fixed;
- (c) where the grievance has occurred as a result of a deficiency, negligence or malfeasance on the part of an individual, then the action is taken in accordance with the applicable rules;
- (d) where the Grievance Redressal Officer is convinced that the individual responsible for the rendering of the services has wilfully neglected to render the service or there exists *prima facie* grounds for a case under the Prevention of Corruption Act, 1988, the Grievance Redressal Officer shall make an observation to that effect and in writing refer the same to the appropriate authority.

49 of 1988.

(2) The Grievance Redressal Officer shall ensure that the complainant is informed in writing the manner in which the grievance is redressed.

9. (1) The Grievance Redressal Officer shall, within the prescribed time frame, report every complaint which has not been redressed along with the details of the complainant, nature of complaint, and reasons for non-redressal of the complaint to the Designated Authority.

Forwarding of details of non-redressal of complaints to Designated Authority.

(2) Every public authority shall designate such officers as designated authorities as may be necessary in all the administrative units and offices as provided in clause (d) of section 2.

CHAPTER V APPEAL TO DESIGNATED AUTHORITY

10. (1) Every complaint forwarded along with the details under section 9 shall be deemed to have been filed by way of an appeal to the Designated Authority. Appeal.

(2) Any person aggrieved by a decision of the concerned Grievance Redressal Officer or who has not been informed in writing the manner in which his grievance has been redressed in respect of a complaint filed by him, may, within thirty days from the expiry of such period or from the receipt of such decision, prefer an appeal to the Designated Authority:

Provided that the Designated Authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(3) The receipt of an appeal under sub-section (2) shall be acknowledged by the Designated Authority in writing or through electronic means or through text message or through any other means as may be prescribed, within three working days.

(4) Every appeal filed under sub-section (2) or deemed appeal under sub-section (1) shall be disposed of by the Designated Authority within the prescribed time frame.

(5) The Designated Authority shall arrange to deliver copies of the decision to the parties concerned within the prescribed time frame.

(6) The Designated Authority may, in deciding an appeal, impose penalty, as prescribed in sub-section (1) of section 23, against the concerned officer for acting in a *mala fide* manner or having failed to discharge his duties without any sufficient and reasonable cause:

Provided that the concerned officer of the public authority shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

(7) Where it appears to the Designated Authority that the grievance complained of is *prima facie* indicative or representative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988 on the part of the individual officer of the public authority complained against, then it shall record in writing such evidence as may be found in support of such conclusion and shall in writing refer the same to the appropriate authority. 49 of 1988.

(8) The Designated Authority shall upon adjudication of a complaint have the powers to issue directions requiring the concerned officers of the public authority to take such steps as may be necessary to render the services in compliance of the notification issued under section 4.

CHAPTER VI APPEAL TO STATE APPELLATE AUTHORITY

Appeal to State Appellate Authority. 11. (1) Any person who does not receive a decision within the prescribed time frame or is aggrieved by a decision of the Designated Authority may, within thirty days from the expiry of such period or from the receipt of such a decision, prefer an appeal to the State Appellate Authority:

Provided that the Authority may admit the appeal after the expiry of thirty days if it is satisfied that the complainant was prevented by sufficient cause from filing the appeal in time.

(2) The decision of the State Appellate Authority under this section shall be binding.

Constitution of State Appellate Authority. 12. (1) The State Government shall, by notification in the *Official Gazette*, constitute one or more State Appellate Authority to exercise the powers conferred on or imposed upon and to perform functions assigned to the Authority under this Act.

(2) A State Appellate Authority shall consist of such number of members, not exceeding three, as may be prescribed.

Qualifications for appointment as member of State Appellate Authority. 13. A person shall not be qualified for appointment as a member of a Authority unless he is or has been an officer of the State Government and is holding or has held a post in the rank of, or equivalent to, Secretary or Principal Secretary or Additional Chief Secretary or Chief Secretary to the State Government.

Term of office of member of State Appellate Authority. 14. A person appointed as member of a Authority shall hold the office for a term of three years from the date on which he enters upon office or until he attains the age of sixty-five years whichever is earlier:

Provided that an officer of the State Government appointed as member of Authority shall hold the office not beyond the time he is an officer of the State Government.

Staff, Salary and allowances of State Appellate Authority. 15. (1) The State Government shall provide to the Authority with such officers and employees as may be necessary for efficient performance of its functions under this Act.

(2) The officers and employees so appointed under sub-section (1) shall discharge their functions under the general superintendence of the Authority.

(3) The salary and allowances payable to and the other terms and conditions of service of a member of the Authority shall be as may be prescribed:

Provided that if a member at the time of his appointment is in receipt of a pension, other than a disability or wound pension in respect of any previous service under the State Government, his salary in respect of the service as member of State Appellate Authority shall be reduced by the amount of that pension, including any portion of pension, which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent or retirement gratuity:

Provided further that where a member, if at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any State Act or a Government company owned or controlled by the State Government, his salary in respect of the service as a member shall be reduced by the amount of pension equivalent to the retirement benefit:

Provided also that neither the salary and allowances nor the other terms and conditions of service of a member of State Appellate Authority shall be varied to his disadvantage after the appointment.

16. (1) Any member of the State Appellate Authority, may, by notice in writing under his hand addressed to the Chief Secretary to the Government, resign his office. **Resignation and removal.**

(2) Notwithstanding anything contained in sub-section (1), the State Government may by order remove from office a member if the member -

- (i) is adjudged an insolvent; or
- (ii) has been convicted of an offence which, in the opinion of the State Government involves moral turpitude; or
- (iii) engages during his term of office in any paid employment outside the duties of his office; or
- (iv) is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body; or
- (v) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member.

(3) The State Government may, by rules, regulate the procedure for the investigation of misbehavior or incapacity of a member.

5 of 1908. 17. (1) The Authority shall, for the purposes of its functions under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:- **Powers of State Appellate Authority and procedure before it.**

- (i) summoning and enforcing the attendance of any person and examining him on oath;

- (ii) discovery and production of any document or other material object producible as evidence;
- (iii) receiving evidence on affidavits;
- (iv) requisitioning of any public record;
- (v) issuing commission for the examination of witnesses;
- (vi) such other matter which may be prescribed.

(2) The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made there under, the Authority shall have the power to regulate its own procedure. 5 of 1908.

Delivery of copies of decision. 18. The Authority shall arrange to deliver copies of the decision to the parties concerned within the prescribed time frame.

Staff and officers to be public servants. 19. The staff and officers of the Authority shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Procedure of adjudication by State Appellate Authority. 20. (1) The Authority shall, upon adjudication of a complaint, have the power to issue directions requiring the public authority to take such steps as may be necessary to render the services in compliance of the notification issued under section 4.

(2) It shall be the duty of the Authority to receive and inquire into a complaint from any person ,-

- (a) who has been unable to submit an appeal to the Designated Authority;
- (b) who has been refused redress of grievance under this Act;
- (c) whose complaint has not been disposed of within the time limit specified;
- (d) in respect of any other matter relating to registering and redressing of a complaint or appeal under this Act.

Burden of proof to be on Grievance Redressal Officer. 21. In any appeal proceedings, the burden of proof to establish the non-redressal of complaint, shall be on the Grievance Redressal Officer who denied the request.

Where Grievance complained of is a result of corrupt practices. 22. Where it appears to the Authority that the grievance complained of is, *prima facie*, indicative of a corrupt act or practice in terms of the Prevention of Corruption Act, 1988, on the part of the responsible officer of the public authority complained against, then it shall record such evidence as may be found in support of such conclusion and shall refer the same to the appropriate authority. 49 of 1988.

CHAPTER VII PENALTIES AND COMPENSATION

23. (1) The Designated Authority or the State Appellate Authority may impose a *lump sum* penalty against a designated officer responsible for rendering of service to which the applicant is entitled, or against a Grievance Redressal Officer, for acting in a *mala fide* manner or for having failed to discharge his duties without any sufficient and reasonable cause, which shall not be less than one thousand rupees and may extend up to ten thousand rupees, which shall be recovered from the salary of the official against whom penalty has been imposed:

Penalty and
Compensation
for *mala fide*
action.

Provided that the concerned officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him under this section.

(2) On imposition of the penalty under sub-section (1), the State Appellate Authority or the Designated Authority, as the case may be, may, by order, direct that such portion of the penalty imposed under sub-section (1) shall be awarded to the appellant, as compensation, as it may deem fit:

Provided that the amount of such compensation awarded shall not exceed the amount of penalty imposed under this section.

(3) If any public servant is found guilty under sub-section (1), the disciplinary authority shall initiate the disciplinary proceedings against such officer of the public authority, who, if proved to be guilty of a *mala fide* action in respect of any provision of this Act, shall be liable to such punishment as the disciplinary authority may decide.

CHAPTER VIII REPORTING OF REDRESSAL OF GRIEVANCES BY PUBLIC AUTHORITY

24. (1) Every public authority shall ensure that every Grievance Redressal Officer keeps a record of complaints made to it or appeal therein and the decisions on such complaints and appeals.

Reporting
requirements.

(2) Every public authority shall publish in the prescribed manner and in the prescribed time frame, a report mentioning therein-

- (a) the number of appeals and complaints received;
- (b) the number of appeals and complaints disposed of;
- (c) the number of appeals and complaints pending;
- (d) such other particulars, as may be prescribed, for discharge of its functions under this Act.

CHAPTER IX MISCELLANEOUS

25. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the Grievance Redressal Officer or the Designated Authority or the State Appellate Authority.

Bar of
Jurisdiction
of court.

Enforcement of orders by State Appellate Authority. 26. Every order made by the State Appellate Authority may be enforced by it in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the Authority to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction,-

- (a) in the case of public authority not falling under clauses (b) and (c), the place at which the main office of such public authority is situated; or
- (b) in the case of an order against a public authority being a company, the registered office of the company is situated; or
- (c) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain is situated, and

thereupon, the court to which the order is so sent, shall execute the order as if it were a decree or order sent to it for execution.

Protection for acts done in good faith. 27. No suit, prosecution or other legal proceedings shall lie against any person—

- (a) for anything which is in good faith done or intended to be done under this Act or any rule made thereunder; or
- (b) delay in rendering of service or not being able to render service where such delay or inability is on account of reasonable cause beyond the control of the person responsible for delivery of the service.

Provisions to be in addition to existing laws. 28. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules and laying of rules. 29. (1) The State Government may, by notification in the *Official Gazette*, make rules, not inconsistent with this Act, for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:-

- (i) the manner to receive, enquire into and redress any complaints under sub-section (1) of section 6;
- (ii) the manner of acknowledgement of complaints received and particulars of receiver of complaint and time frame for redresses under section 7;
- (iii) the time frame for redresses of grievances under sub-section (1) of section 8;
- (iv) the time frame within which the Grievance Redressal Officer shall report to the Designated Authority under section 9;
- (v) the other means of acknowledgement under sub-section (3) of section 10;

- (vi) the time frame for disposal of appeal under sub-section (4) of section 10;
 - (vii) the time frame within which the Designated Authority shall deliver copies of the decision to the parties concerned under sub-section (5) of section 10;
 - (viii) the time frame within which an appeal shall be made against the decision of the Designated Authority or has not received the decision within the time under sub-section (1) of section 11.
 - (ix) the number of members of the State Appellate Authority under sub-section (2) of section 12.
 - (x) the salary and allowances payable to and the other terms and conditions of service of a member of the State Appellate Authority under section 15;
 - (xi) to regulate the procedure for the investigation of misbehavior or incapacity of a member of the State Appellate Authority under sub-section (3) of section 16;
 - (xii) the other matters for which the State Appellate Authority shall have power of civil court under clause (vi) of sub-section (1) of section 17;
 - (xiii) the manner and the time frame within which the public authority shall publish a report and other particulars for discharge of functions of the public authority under sub-section (2) of section 24;
 - (xiv) any other matter which is or may be provided by rules under this Act.
- (3) All rules made under this section shall be laid for not less than thirty days before the State Legislature, as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

30. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to
remove
difficulties.

Provided that no order shall be made under this section after expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.



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The Gujarat Government Gazette

EXTRAORDINARY

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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 12th April, 2013 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 17 OF 2013.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 15th April, 2013).

AN ACT

further to amend the Gujarat Co-operative Societies Act, 1961.

WHEREAS by the Constitution (Ninety-Seventh Amendment) Act, 2011, PART IXB relating to the Co-operative Societies has been inserted in the Constitution;

AND WHEREAS it is expedient to amend the Gujarat Co-operative Societies Act, 1961 in conformity with the Constitution (Ninety-Seventh Amendment) Act, 2011.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows :-

- Short title.** 1. This Act may be called the Gujarat Co-operative Societies (Amendment) Act, 2013.
- Amendment of section 2 of Guj. X of 1962.** 2. In the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as "the principal Act"), in section 2, —
- (1) after clause (1), the following clause shall be inserted, namely :—
- “(1A) “authorised person” means a person duly authorised by the Registrar to take action under the provisions of this Act;”;
- (2) for clause (5), the following clause shall be substituted, namely:—
- “(5) “committee” means the Managing Committee or other governing body of a society to which the direction and control of the management of the affairs of a society is entrusted to;”.
- Insertion of new sections 28A and 28B in Guj. X of 1962.** 3. In the principal Act, after section 28, the following sections shall be inserted, namely :—
- Attendance of meeting by members.** “28A. It shall be the duty of every member of a society —
- (i) to attend atleast two meetings of the general body within a consecutive period of five years;
- (ii) to utilize minimum level of services as prescribed in the bye-laws :
- Provided that a member who does not attend atleast two meetings of the general body as above or does not utilize minimum level of services as prescribed in the bye-laws for a consecutive period of five years, shall be liable to be removed by the Registrar as the member of the society :
- Provided further that before removing such person from the membership of the society, he shall be afforded an opportunity of being heard and if his explanation is found satisfactory, his name shall not be removed from the membership of the society.
- Provision for co-operative education and training to members.** 28B. The State Government may impart co-operative education and training to the members of the co-operative societies so as to enable them to effectively manage the affairs of the society.”.

4. In the principal Act, after section 41, the following section shall be inserted, namely :-

Insertion of new section 41A in Guj. X of 1962.

Returns, etc. "41A. Every society shall file returns within six months of the closure of every financial year to such authority as may be designated by the State Government for the purpose, including the following, namely :-

- (a) annual report of its activities;
- (b) its audited statement of accounts;
- (c) plan for surplus disposal as approved by the general body of a society;
- (d) list of amendments to the bye-laws of the society, if any;
- (e) declaration regarding date of holding of its general body meeting and conduct of elections when due; and
- (f) any other information required by the Registrar in pursuance of any of the provisions of the Act."

5. In the principal Act, in section 50, in sub-section (2), after the words "deducted to the society", the words 'within a period of fourteen days from the date on which such deduction is made' shall be inserted.

Amendment of section 50 of Guj. X of 1962.

6. (1) In the principal Act, in section 74, after sub-section (1), the following sub-sections shall be inserted, namely :-

Amendment of section 74 of Guj. X of 1962.

"(1A) Except as otherwise provided herein, the Managing Committee of a society shall consist of such number of members as may be provided in the bye-laws but not exceeding twenty-one members:

(1B) (i) There shall be reserved one seat for the Scheduled Castes or the Scheduled Tribes and two seats for Women in the managing committee of every society consisting of individuals as members and having members from such class or category of persons.

(ii) One seat may be reserved for the persons who are small farmers and marginal farmers.

Explanation.- The expressions "marginal farmer" and "small farmer" shall have the meanings respectively assigned to them in clauses (g) and (p) of section 2 of the Gujarat Rural Debtors Relief Act, 1976;

President's Act
No. 35 of 1976.

(1C) The term of office of the elected members of the managing committee and its office bearers shall be five

years from the date of election. The term of office bearers shall be co-terminus with the term of managing committee :

Provided that the managing committee may fill up a casual vacancy in the committee by nomination out of the same class or categories members in respect of which the casual vacancy has arisen, if the term of office of the managing committee is less than half of its original term.

- (1D) (a) The society shall co-opt persons having experience in the field of banking, management, finance or specialisation in any other field relating to the objects and activities undertaken by the society as the members of the managing committee:

Provided that the number of such co-opted members shall not exceed two in addition to the twenty-one members as specified in sub-section (1A).

(b) The co-opted members as aforesaid shall not have the right to vote in any election of the society in their capacity as such members or to be eligible to be elected as office bearers of the Managing Committee.

- (1E) In case, where there are functional directors of a society, they shall also be members of the Managing Committee. Such members shall be excluded for the purpose of counting the total number of members of the Managing Committee.

Explanation.- For the purpose of this sub-section, "functional director" means and includes a Managing Director or a Chief Executive Officer by whatever designation called or any *ex-officio* member or any of the Head of the Department of the concerned society, nominated by the Committee."

Deletion of
section 74B of
Guj. X of 1962.

7. In the principal Act, section 74B shall be deleted.

Amendment of
section 74C of
Guj. X of 1962.

8. In the principal Act, in section 74C, after sub-section (3), the following sub-section shall be added, namely: -

"(4) The election of the Managing Committee shall be conducted before the expiry of its term so as to ensure that the newly elected members of the Managing Committee assumes office immediately on the expiry of the term of office of the members of the outgoing Managing Committee."

9. In the principal Act, after section 74C, the following section shall be inserted, namely:-

Insertion of new section 74CC in Guj. X of 1962.

Election of societies other than specified societies.

“74CC. (1) The election of the Committee and of the office bearers of the societies other than the specified societies as referred to in section 74C shall be conducted by such authority as the State Government may, by notification in the *Official Gazette*, notify.

(2) The authority appointed under sub-section (1) shall hold the election as per the rules as may be prescribed.

(3) The election of the Managing Committee shall be conducted before the expiry of its term so as to ensure that the newly elected members of the Managing Committee assumes office immediately on the expiry of the term of office of the members of the outgoing Managing Committee.”.

10. In the principal Act, section 74D shall be deleted.

Deletion of section 74D of Guj. X of 1962.

11. In the principal Act, in section 77,-

Amendment of section 77 of Guj. X of 1962.

(a) for sub-section (1) and the provisos thereunder, the following shall be substituted, namely :-

“(1) Every society shall convene the general meeting of its members within a period of six months of closure of the financial year to transact the business as provided under this Act.”;

(b) in sub-section (5), the words “or, as the case may be, the period extended by the Registrar under that sub-section” shall be deleted.

12. In the principal Act, for section 81’ the following shall be substituted, namely :-

Substitution of section 81 of Guj. X of 1962.

Supersession or suspension of Managing Committee.

“81. (1) If in respect of a Managing Committee of a society having the Registrar as its members, the State Government, and in respect of a Managing Committee of a Society which does not have the Registrar as its member, the Registrar, is of the opinion that -

- (i) the Committee persistently makes default; or
- (ii) the Committee is negligent in the performance of its duties imposed on it by or under this the Act or the rules made thereunder or the bye-laws; or

- (iii) the Committee has committed any act prejudicial to the interest of the society or its members; or
- (iv) there is stalemate in the constitution or functions of the committee; or
- (v) the authority which is assigned the functions of conducting elections in respect of Managing Committee has failed to conduct elections in accordance with the provisions of this Act,

the State Government or, as the case may be, the Registrar, after giving the committee an opportunity of being heard, within fifteen days from the date of issue of notice, by an order in writing, supersede or kept under suspension the committee and appoint –

- (a) a Committee, consisting of one or more members of the society, not being the members of the Committee superseded under this sub-section, or
- (b) one or more Administrators who need not be members of the society, or from amongst the officers of the Co-operative Department of the State Government,

to manage the affairs of the society for a period not exceeding six months :

Provided that the committee of any such society shall not be superseded or kept under suspension where there is no Government shareholding or loan or financial assistance or any guarantee by the Government :

Provided further that in case of a society carrying on the business of banking, the provisions of the Banking Regulation Act, 1949 shall also apply : 10 of 1949.

Provided also that in case of a society, other than a Multi-State Co-operative Society, carrying on the business of banking, the provisions of this section shall have the effect as if for the words “six months”, the words “one year” had been substituted.

- (2) In the case of supersession of a Managing Committee, where an Administrator is appointed to manage the affairs of the society, he shall arrange for conduct of elections within the period specified in sub-section (1) or sub-section (3) and handover the management to the incoming Managing Committee.

- (3) No Committee of a society shall be kept under suspension for a period exceeding six months for the reasons stated in sub-section (1).
- (4) In case where the committee is superseded or kept under suspension and the committee or Administrator so appointed, shall, subject to the control of the State Government or, as the case may be, the Registrar and to such instructions as he may from time to time give, have powers to exercise all or any of the functions of the committee or of any office of the society and take all such actions as may be required in the interest of the society.
- (5) The conditions of service of the Administrator shall be such as may be prescribed by the State Government."

13. In the principal Act, for section 84, the following shall be substituted, namely :—

Substitution of
section 84 of
Guj. X of 1962.

Audit of
Accounts
of society.

"84. (1) The society shall cause to be audited its accounts atleast once in each financial year and also cause it to be completed within a period of six months from the closure of the financial year to which such accounts relate:

Provided that if the society fails to get its accounts audited within the stipulated period as stated above, the Registrar shall cause to be audited the accounts of the society and the cost incurred for such audit shall be recovered from the society.

(2) The society shall cause to be audited its accounts by an Auditor or auditing firm from a panel approved by the Government or an authority authorized by the State Government in this behalf, having required qualifications and experience as may be prescribed to be eligible for auditing accounts of the societies:

Provided that the audit of the Central Co-operative Banks and the State Co-operative Banks shall be conducted only by the Chartered Accountants from the panel approved by the National Bank.

(3) The audit report of the accounts of an apex Co-operative society shall be laid before the State Legislature as soon as possible after it is received.

(4) The auditor shall for the purpose of audit, at all times have access to all the books, accounts, documents, papers,

securities, cash and other properties belonging to, or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts, documents, papers, securities, cash or other properties to be produced the same at any place at the headquarters of the society or any branch thereof.

(5) If it appears to the Registrar on an application or otherwise that it is necessary or an expedient to get any account of the society re-audited, the Registrar may, by an order, provide for such re-audit and the provisions of this Act applicable to the audit of accounts of the society shall apply to such re-audit.

(6) For auditing the accounts of a society under this section, every society shall be liable to pay to the auditor such amount as audit fee as may be prescribed by the Government for different categories or class of societies.

(7) The Registrar shall, in consultation with the National Bank prescribe Prudential Norms including Capital to Risk Weighted Assets Ratio for Primary Agricultural Credit Co-operative Societies.

(8) The Registrar shall, by an order, provide for the periodical inspection by the officers subordinate to the Registrar or by the federal society or by the financial bank, for a class of society under section 87 or section 88."

Amendment of
section 107 of
Guj. X of 1962.

14. In the principal Act, in section 107,—

(1) in sub-section (1), before the words "If the Registrar" the words, figure, letter and brackets "Except as otherwise provided in sub-section (1A)," shall be inserted;

(2) after sub-section (1), the following sub-section shall be inserted, namely :-

"(1A) Notwithstanding anything contained in sub-section (1), in case where the members of the society, after having discharged liabilities towards the debt and assets of the society, upon a resolution carried by three-fourth majority of the members of the society present at a special general meeting called for the purpose, *suo motu* resolves to wind up the society and conveys such resolution to the Registrar. The Registrar shall, after disposing off the surplus assets in accordance with the provisions of section 115, cancel the registration of such society under section 20."

15. In the principal Act, in section 147, in sub-section (1), —

Amendment of
section 147 of
Guj. X of 1962.

- (i) after clause (f), the following shall be inserted, namely :-

“(f-a) any person before, during or after the election of members of the Managing Committee or office bearers, adopts corrupt practice;”;

- (ii) after clause (n), the following shall be inserted, namely :-

“(n-a) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawful written order issued under the provisions of this Act;”;

- (iii) after clause (o), the following shall be inserted, namely :-

“(o-a) any officer or custodian who wilfully fails to hand over custody of book, accounts, records, cash, security and other property belonging to a co-operative society of which he is an officer or custodian, to an authorised person;”.

16. In the principal Act, in section 148, in sub-section (1), —

Amendment of
section 148 of
Guj. X of 1962.

- (i) after clause (f), the following clause shall be inserted, namely: -

“(f-i) if it is an offence under clause (f-a) of that section, with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both;”;

- (ii) after clause (n), the following clause shall be inserted, namely :-

“(n-i) if it is an offence under clause (n-a) of that section, with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both;”;

- (iii) after clause (o), the following shall be inserted, namely :-

“(o-i) if it is an offence under clause (o-a) of that section, with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both;”.

Insertion of new
section 168A in
Guj. X of 1962.

17. In the principal Act, after section 168, the following section shall be inserted, namely :-

Transitory
provisions.

“168A. Notwithstanding anything contained in this Act and amendments made in view of the Constitutional (Ninety-Seventh Amendment) Act, 2011, the Committees of the societies existing immediately before the commencement of the Gujarat Co-operative Societies (Amendment) Act, 2013, shall continue till the expiration of their term unless sooner superseded. All the orders of the Administrator or any other order passed by the Registrar shall continue for the period mentioned in such order as if passed under the amended provisions. All proceedings pending before the Registrar or person authorised by him or any other authority under the provisions of this Act shall stand transferred wherever necessary to the Registrar or any authority according to the amended provisions of the Gujarat Co-operative Societies (Amendment) Act, 2013, as the State Government may notify.”.

Guj. 17 of 2013.

Guj. 17 of 2013.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 12th April, 2013, is hereby published for general information.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department

GUJARAT ACT NO. 18 OF 2013.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 16th April, 2013).

AN ACT

further to amend the Gujarat Private Universities Act, 2009.

Guj. 8 of 2009.

WHEREAS the Lakulish International Fellowship's Enlightenment Mission (Life Mission), Limdi, Surendranagar, Team Lease Education Foundation, Mumbai and Vardhman Bharti Trust, Wadhwan City, Surendranagar have applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish Private Universities in the State;

AND WHEREAS the said applications have been scrutinised by the Scrutiny Committee and on the report of Scrutiny Committee, the State Government has issued the letter of intent to the respective sponsoring bodies for establishment of the Private University;

AND WHEREAS the State Government is satisfied that the sponsoring bodies have complied with the conditions of letter of intent as provided in section 10 of the said Act and have also established the Endowment Fund as per the letter of intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, establishes the institutions specified in column 2 of the Schedule as the Private University of the aforesaid sponsoring bodies, by the name, location and jurisdiction as specified in column 4 of the Schedule.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows:-

Short title and
commencement.

1: (1) This Act may be called the Gujarat Private Universities (Amendment) Act, 2013.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
Schedule to Guj. 8
of 2009.

2. In the Gujarat Private Universities Act, 2009, in the Schedule, after entry at serial No. 10, the following entries shall be inserted, namely:-

Guj. 8 of
2009.

Sr. No.	Name and Address of the Private University.	Details of Registration and Registration Number	Sponsoring Body.
1.	2.	3.	4.
11.	Lakulish Yoga University, Chharodi, Gandhinagar-Sarkhej Highway, Ahmedabad.	Registered under the Bombay Public Trusts Act, 1950 Registration No. E/643, Surendranagar-26/03/96	Lakulish International Fellowship's Enlightenment Mission (Life Mission), Limdi, Dist: Surendranagar, Gujarat.
12.	Team Lease Skills University, ITI-Tarsali, Vadodara.	Registered under section 25 of the Companies Act, 1956 Registration No. U80903MH2011 NPL21938 Mumbai-400051. 27/6/11	Team Lease Education Foundation run by Team Lease Services Pvt. Ltd., Office No. 6, 3 rd Floor, C-Wing, Laxmi Towers, Bandra Kurla Complex, Bandra (East), Mumbai-400051, Maharashtra, India.
13.	C. U. Shah University Wadhwan City, Dist. Surendranagar.	Registered Public Charitable Trust, Registration No. F/43, Dated 06/03/69, Surendranagar	Vardhman Bharti Trust, Smt. M. T. Doshi High School, Lakhupole, Wadhwan City, Dist. Surendranagar-363030."



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

શ્રેયાન વ્યવસ્થાપકશ્રી, સરકારી મધ્યસ્થ મુદ્રણાલય, ગાંધીનગર દ્વારા
સુધારો

ક્રમાંક : વાચન-ગેઝેટ-સુધારો-૨-૨૦૧૩ વિભાગ:-વૈધાનિક અને સં.બા. વિભાગના
જાહેરનામા નં. Guj/Act/1/2013/1313/67/C dt.13-3-2013નું જાહેરનામું ગુજરાત સરકારના
ગેઝેટ ભાગ IV અસાધારણ નં. 1 તા. 13-3-2013 ના પેજ નંબર : 1 ઉપર પ્રસિધ્ધ થયેલ છે.

જેમાં નીચે પ્રમાણે સુધારો વાંચવો.

READ	INSTEAD OF
Gujarat Act No. 1 of 2013	Gujarat Bill No. 1 of 2013

તા. ૭મી મે, ૨૦૧૩.

જે. એ. શાહ,
શ્રેયાન વ્યવસ્થાપક,
સરકારી મધ્યસ્થ મુદ્રણાલય
ગાંધીનગર.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 8th September, 2013 is hereby published for general information.

C. J. GOTHI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 19 OF 2013.

(First published, after having received the assent of the President, in the "Gujarat Government Gazette", on the 19th September, 2013).

AN ACT

further to amend the Gujarat Co-operative Societies Act, 1961.

It is hereby enacted in the Sixty-fourth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Co-operative Societies (Second Amendment) Act, 2013. Short title.

Guj. X of 1962. 2. In the Gujarat Co-operative Societies Act, 1961, in section 17, in sub-section (1), after clause (a), the following clause shall be inserted, namely:- Amendment of section 17 of Guj. X of 1962.

39 of 2002. "(aa) to amalgamate with another society registered under the Multi-State Co-operative Societies Act, 2002;"



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the President on the 18th October, 2013 is hereby published for general information.

ARVIND AGARWAL,

Principal Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 20 OF 2013.

(First published, after having received the assent of the President, in the "*Gujarat Government Gazette*", on the 2nd November, 2013).

AN ACT

to consolidate and amend the laws relating to Educational Tribunals so as to bring about uniformity therein and to provide for the constitution of a tribunal for the purpose of determining disputes relating to conditions of service of the members of the teaching and non-teaching staff of the educational institutions in the State and for the matters connected therewith.

It is hereby enacted in the Fifty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Educational Institutions Services Tribunal Act, 2006.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Gujarat.

(3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, -

- (a) "appointed day" means the date on which the remaining provisions of this Act come into force under sub-section (3) of section 1;
- (b) "college" means a college affiliated to a University;
- (c) "educational institution" means a University, College, Higher Secondary School, Secondary School and the Primary School;
- (d) "employee" means the any member of the teaching and non-teaching staff of the educational institution (whether confirmed or temporary or on probation) in service of such institution and for the purpose of any proceeding under this Act in relation to a dispute referred to in section 10, includes any such member who has been dismissed or removed or whose services are otherwise terminated;
- (e) "existing tribunal" means the tribunal established or constituted under the relevant Act;
- (f) "member" means a member of the tribunal and includes the President;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "Primary School" shall have the same meaning assigned to it in the Bombay Primary Education Act, 1947; Bom. LXI of 1947.
- (i) "relevant Act" means the Bombay Primary Education Act, 1947, the Gujarat Secondary and Higher Secondary Education Act, 1972, the Gujarat Affiliated Colleges Services Tribunal Act, 1982, the Gujarat Higher Secondary School Services Tribunal Act, 1983 or, as the case may be, the Gujarat Universities Services Tribunal Act, 1983; Bom. LXI of 1947.
Guj. 18 of 1973.
Guj. 9 of 1982.
Guj. 12 of 1983.
Guj. 1 of 1988.
- (j) "repealed law" means the Acts repealed by this Act;
- (k) "Secondary School" and "Higher Secondary School" shall have the same meaning assigned to them in the Gujarat Secondary and Higher Secondary Education Act, 1972; Guj. 18 of 1973.
- (l) "tribunal" means the Gujarat Educational Institutions Services Tribunal established under section 3;

Bom. L of 1949.

Baroda Act No.

XVII of 1949.

Bom. XL of 1955.

Guj. 38 of 1965.

Guj. 39 of 1965.

Guj. 26 of 1978.

Guj. 22 of 1986.

Guj. 5 of 2003.

- (m) "University" means a University constituted under the Gujarat University Act, 1949, the Maharaja Sayajirao University of Baroda Act, 1949, the Sardar Patel University Act, 1955, the Veer Narmad South Gujarat University Act, 1965, the Saurashtra University Act, 1965, the Bhavnagar University Act, 1978, the Hemchandracharya North Gujarat University Act, 1986 or, as the case may be, the Krantiguru Shyamji Krishna Verma Kachchh University Act, 2003.

ESTABLISHMENT OF TRIBUNAL AND ITS JURISDICTION, POWERS AND FUNCTIONS

3. (1) There shall be established by the State Government by a notification in *Official Gazette*, the tribunal to be called the "Gujarat Educational Institutions Services Tribunal";
- (2) The Tribunal shall consist of the President and such number of Judicial and Administrative members as may be appointed by the State Government.
4. (1) No person shall be qualified for appointment as a,—
- (a) judicial member unless he is or has been a District Judge for at least three years;
- (b) administrative member unless he is or has been a Secretary to the Government of Gujarat for at least three years.
- (2) The Judicial member who has been so appointed shall be the President and where more than one judicial members have been appointed as members, the senior most judicial member shall be the President of the Tribunal.
5. (1) The member shall hold office for a term of five years from the date on which he enters upon his office and may be eligible for reappointment for another term of five years:
- Provided that no member shall hold office as such after he has attained the age of sixty-five years.
- (2) A member may, by notice in writing under his hand address to the State Government, resign his office and such resignation shall take effect from the date it is accepted by the State Government.
- (3) The salaries and allowances payable to, and other terms and conditions of service of member shall be such as may be prescribed.
6. (1) If any vacancy occurs by reason of the death, resignation, expiry of term of appointment or termination of appointment of the member or for any

Constitution of
Gujarat
Educational
Institutions
Services Tribunal.

Appointment
and
qualifications of
member.

Term of office
and conditions
of service of
member of
Tribunal.

Filling up of
vacancies.

other cause whatsoever, such vacancy shall be filled in by the State Government as soon as practicable, by appointment of duly qualified person.

(2) If any member becomes by reason of illness or other infirmity, temporarily incapable for performing the duties of his office, the State Government may appoint some other duly qualified person to discharge his duties for any period not exceeding six months at a time.

Power of State Government to terminate appointment of member.

7. The State Government may terminate the appointment of any member before the expiry of the term of his office, if he-

- (i) has been adjudged an insolvent,
- (ii) engages during his term of office in any paid employment outside the duties of his office,
- (iii) has in the opinion of the State Government, become physically or mentally incapable of acting as a member,
- (iv) has been convicted of an offence involving moral turpitude, or
- (v) has been guilty of proved misbehaviour:

Provided that no member shall be removed from his office on the ground of proved misbehaviour unless he has been given a reasonable opportunity of being heard in respect of such charge.

Headquarters of Tribunal.

8. The headquarters of the tribunal shall be at such place as the State Government may, by order published in the *Official Gazette*, determine.

Jurisdiction of Tribunal.

9. The tribunal shall have the jurisdiction to entertain and decide an appeal preferred under section 11, an application made under section 12 and the cases transferred to it under section 23.

Practice and procedure of Tribunal.

10. (1) All the questions which come before the bench of the tribunal shall be decided by the majority and if the members are equally divided, they shall state the point or points on which they differ, and the case shall be referred to the President for hearing on such points by one or more of the other members of the tribunal and such point or points shall be decided according to the majority of the members of the tribunal who have heard the case including those who first heard it.

(2) The powers of the tribunal shall be exercised by the benches constituted by the President of the tribunal and every bench of the tribunal shall consist of two members out of which one shall be a judicial member referred to in clause (a) of sub-section (1) of section 4.

(3) The tribunal may, with the previous sanction of the State Government make regulations consistent with the provisions of this Act and rules made thereunder for regulating its procedure (including the place of its sittings, the formation of its benches and the award of cost) for the purpose of effective discharge of its functions and disposal of its business:

Provided that until such regulations are made under this sub-section, the tribunal may adopt the regulations made by any of the existing tribunal functioning prior to commencement of this Act.

11. (1) An employee aggrieved by an original order or appellate order or decision of the educational institution which is connected with the conditions of service of such employee or, as the case may be, the educational institution, may, within a period of sixty days from the date of such order or decision, appeal to the tribunal.

Appeal.

(2) Notwithstanding anything contained in sub-section (1), the tribunal may entertain an appeal made to it after the expiry of the period of ninety days, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within that period.

12. (1) If at any stage in any proceeding before the tribunal, it appears to the tribunal that the proceedings raise a question, as to the interpretation of a law, which is of such a nature and of such public importance that it is expedient to issue notice to the State Government, the tribunal shall issue notice to the State Government and the Government may, if it thinks fit, appear and the tribunal shall then hear the State Government before deciding the question.

State Government to be heard in certain cases.

(2) If it appears to the State Government that in its opinion the interpretation of a provision of law in any proceeding before the tribunal is of such a nature and of such public importance that it is expedient that the State Government be heard before decision of the question, it may apply to the tribunal in such proceedings to be heard, and the tribunal shall not decide the question without hearing the State Government.

13. The tribunal may of its own motion or on the application made by the employee or the educational institution aggrieved by any decision or order of the tribunal within sixty days from the date of communication of such decision or order, review such decision or order on any of the following grounds, namely :-

Review.

- (a) that some new or important matter or evidence which could not be discovered earlier after the exercise of due diligence and which was likely to materially affect the decision or order of the tribunal, was discovered after such decision or order; or
- (b) that there was some mistake of facts or error apparent on the face of the record; or
- (c) that the decision or order required to be reviewed for any other sufficient reason:

Provided that the tribunal shall not allow any review petition and set-aside its previous order or decision without hearing the parties affected:

Provided further that no such review shall be made after the expiry of a period of two years from the date of decision or order concerned.

Tribunal to have powers of Court.

14. For the purpose of exercising its jurisdiction under this Act, the tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-

V of 1908.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) issuing commissions for the examination of witnesses;
- (d) any other matter which may be prescribed.

Proceedings before Tribunal to be judicial proceedings.

15. All proceedings before the tribunal shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

45 of 1860.

Members of Tribunal to be public servants.

16. All members of the tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Decision of Tribunal final.

17. Every decision of the tribunal passed under this Act shall be final and conclusive and shall not be called in question before any Civil Court.

Payment of court fees.

18. Notwithstanding anything contained in the Gujarat Court-fees Act, 2004, every appeal or application made to the tribunal shall be accompanied by such fees as may be prescribed.

Guj. 4 of 2004.

Records to be open to inspection and extracts and copies to be given.

19. Subject to such rules and the payment of such fees as the State Government may from time to time prescribe in this behalf, the records of the tribunal shall be open to the inspection of the public at reasonable hours, and certified extracts from the same or the certified copies thereof shall be given to any person applying for the same.

Protection of action taken in good faith.

20. No suit, prosecution or other legal proceeding shall lie against the State Government, President, members or staff of the tribunal or any other person, for anything which is in good faith done or intended to be done in pursuance of this Act or rules, regulations or orders made thereunder.

Power to make rules.

21. (1) The State Government may, subject to the condition of previous publication, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act:

Provided that if the State Government is satisfied that the circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.

(2) All rules made under this section shall be laid, for not less than thirty days, before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

22. (1) On the appointed day, all the existing tribunals established or constituted under the relevant Act shall stand abolished.

Abolition of
existing
Tribunals.

(2) All the persons appointed as a tribunal under the relevant Act shall cease to hold office as such on the appointed day and shall be deemed to have vacated their office.

23. All the applications, appeals and other proceedings pending before the existing tribunals immediately before the appointed day shall stand transferred to the tribunal on the appointed day and all such applications, appeals and proceedings shall be continued and disposed of by the tribunal as if they were filed before it under this Act.

Transfer of
pending
cases.

24. The Acts specified in column (1) of the Schedule are hereby amended in the manner and to the extent specified against it in column (2) thereof with effect on and from the date on which the tribunal is constituted under section 3.

Amendment
of certain
Acts.

25. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State legislature.

Repeal and
savings.

26. (1) On the appointed day, the Gujarat Affiliated Colleges Services Tribunal Act, 1982, the Gujarat Higher Secondary Schools Services Tribunal Act, 1983 and the Gujarat Universities Services Tribunal Act, 1983 shall stand repealed.

Guj. 9 of 1982.
Guj. 12 of 1983.
Guj. 1 of 1988.

(2) Notwithstanding such repeal, the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal law as if it had been an enactment within the meaning of the said section 7.

Bom. I of 1904.

SCHEDULE

(See section 24)

Title of the Act (1)	Extent and manner of amendment (2)
1. The Bombay Primary Education Act, 1947 (Bom. LXI of 1947).	(c) of the Explanation to section 40B, sub-section (5) of section 40B and sections 40F and 40G shall be deleted.
2. The Gujarat Secondary and Higher Secondary Education Act, 1972 (Guj. 18 of 1973).	(1) In section 2, clause (y) shall be deleted; (2) in section 36, after the words "Private Secondary School" wherever they occur, the words "or registered Private Higher Secondary School" shall be inserted; (3) sections 38, 39 and 40 shall be deleted.
3. The Krantiguru Shyamji Krishna Verma Kachchh University Act, 2003 (Guj. 5 of 2003).	Section 69 shall be deleted.